

No. 13005

United States
Court of Appeals
For the Ninth Circuit.

MINER LII and ALICE LII,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Appeal from the United States District Court for the
District of Hawaii.

FILED

SEP 6 1951

PAUL P. O'BRIEN

Phillips & Van Orden Co., 870 Brannan Street, San Francisco, Calif.

CLERK

No. 13005

United States
Court of Appeals
For the Ninth Circuit.

MINER LII and ALICE LII,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Appeal from the United States District Court for the
District of Hawaii.

INDEX

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

PAGE

Appeal:

Notice of..... 14

Order Admitting to Bail Pending..... 15

Statement of Points to Be Relied Upon on. 286

Bond Filed May 31, 1951, Alice Lii, Principal.. 20

Bond Filed May 31, 1951, Miner Lii, Principal. 16

Certificate of Clerk..... 283

Indictment 3

Judgment and Commitment as to Alice Lii..... 13

Judgment and Commitment as to Miner Lii.... 11

Minute Entries:

May 21, 1951..... 4

May 22, 1951..... 6

May 23, 1951..... 7

May 31, 1951..... 10

Names and Addresses of Attorneys of Record.. 1

Notice of Appeal..... 14

Order Admitting to Bail Pending Appeal..... 15

	INDEX	PAGE
Statement of Points to Be Relied Upon by Defendant-Appellants on Appeal.....		286
Stipulation Filed July 6, 1951.....		23
Transcript of Proceedings.....		25
Witnesses, Defendants':		
Lewis, Harold John		
—direct		129
—cross		132
—redirect		136
Lii, Alice		
—direct		140, 268
—cross		166, 269
—redirect		190
Witnesses, Plaintiff's:		
Holloway, William Samuel Jr.		
—direct		224
—cross		227
—redirect		227
Kramer, John B.		
—direct		222
—cross		222
—redirect		223
Ogata, Harlow T.		
—direct		240
—cross		248

INDEX

PAGE

Witnesses, Plaintiff's (Continued):

Rapoza, Antone Tony	
—direct	232

Sampson, Frank	
—direct	103
—cross	107

Staunton, Lorraine Marjorie	
—direct	249
—cross	266

Velazquez, Edward George	
—direct	97
—cross	102

Wright, Sarah Lee	
—direct	33, 197
—cross	46, 204

Verdict Dated May 23, 1951 Finding Alice Lii	
Guilty as Charged	10

Verdict Dated May 23, 1951 Finding Miner Lii	
Guilty as Charged	9

NAMES AND ADDRESSES OF ATTORNEYS
OF RECORD

For the Plaintiff, United States of America,
United States District Attorney,
Federal Building,
Honolulu, T. H.

For the Defendants, Miner Lii and Alice Lii,
O. P. SOARES, ESQ.,
1-2 Union Trust Building,
Honolulu, T. H.

In the United States District Court
For the District of Hawaii

Cr. No.
(18 U.S.C. Sec. 2421)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MINER LII and ALICE LII,

Defendants.

INDICTMENT

The Grand Jury Charges:

That on or about the 9th day of October, 1950, Miner Lii and Alice Lii did knowingly, wilfully, unlawfully and feloniously procure and obtain a ticket from the office of Pan American World Airways at 222 Stockton Street, San Francisco, California, to be used by a woman, namely, Sara Wright, in interstate commerce in going from San Francisco, California to the City and County of Honolulu, Territory of Hawaii and within the jurisdiction of this Court, for the purpose of prostitution, debauchery and other immoral purposes, which said ticket was used by the said Sara Wright in interstate commerce in going from San Francisco, California to the City and County of Honolulu, Territory of Hawaii, and within the jurisdiction of this Court, for the purpose of prostitution, debauchery and other immoral purposes, which said ticket was used by the said Sara Wright in going from San Francisco, California to the City and County of Hono-

lulu, Territory of Hawaii, for the purposes aforesaid in violation of Section 2421, Title 18, United States Code.

Dated: Honolulu, T. H., this 14th day of March, 1951.

A TRUE BILL,

/s/ ROBERT D. FISCHER,
Foreman, Grand Jury.

/s/ HOWARD K. HODDICK,
United States Attorney.

Presented in open Court by the Grand Jury on Mar. 14, 1951.

ORDER

I hereby order a Bench Warrant to issue forthwith on the within indictment for the arrest of the defendants named therein, bail hereby being fixed at \$1,500 each.

/s/ D. E. METZGER,
Judge, United States District Court for the District of Hawaii.

[Endorsed]: Filed March 14, 1951.

From the Minutes of the United States District Court for the District of Hawaii

[Title of Cause.]

MONDAY, MAY 21, 1951

On this day came Mr. Nat Richardson, Assistant United States District Attorney, and also came the

defendants herein with Mr. O. P. Soares, their counsel. This case was called for trial.

At 11:30 a.m., the following jurors were duly empaneled and sworn to try the issues herein: Vincent T. Wong, Wilbert Y. Yagi, Alexander Smith, Abel D. F. Spinola, Tomoyuki Masada, Earl J. Ford, Lawrence M. Shigeura, Frederick A. Smith, Harry H. S. Young, William C. Kea, Severino G. Alipio, and Frank S. Kruger.

The Court then ordered this case continued to 1:30 p.m. this day for further trial.

At 1:30 p.m., opening statement was made by Mr. Richardson.

All witnesses were placed under Rule of Court and excluded from the courtroom.

At 1:35 p.m., opening statement was made by Mr. Soares.

At 1:40 p.m., Miss Sarah Lee Wright was called and sworn and testified on behalf of the United States.

At 3:27 p.m., Mr. Edward G. Velazquez, Senior Cashier, Pan-American Airways, San Francisco, California, was called and sworn and testified on behalf of the United States.

Agent's coupon, Pan-American World Airways System, No. 463792, was admitted in evidence as Plaintiff's Exhibit "A-1," marked and ordered filed.

Agent's coupon, Pan-American World Airways System, No. 463793, was admitted in evidence as Plaintiff's Exhibit "A-2," marked and ordered filed.

Cashier's Receipt for Fare on Tickets Nos. 463792

and 463793 was admitted in evidence as Plaintiff's Exhibit "B," marked and ordered filed.

At 3:40 p.m., Mr. Frank Sampson, Merchant Seaman, was called and sworn and testified on behalf of the plaintiff.

At 4:15 p.m., the Court ordered this case continued to May 22, 1951, at 9:30 a.m. for further trial.

From the Minutes of the United States District
Court for the District of Hawaii

[Title of Cause.]

TUESDAY, MAY 22, 1951

On this day came Mr. Nat Richardson, Jr., Assistant United States District Attorney, and also came the defendants herein with Mr. O. P. Soares, their counsel. This case was called for further trial.

It was stipulated by respective counsel that the jury heretofore empaneled and sworn to try the issues herein was present.

At 9:32 a.m., the government rested.

Oral motion for acquittal as to the defendant Miner Lii was made by Mr. Soares and was overruled by the Court.

At 9:43 a.m., Mr. Harold John Lewis, a pilot, was called and sworn and testified on behalf of the defendants.

At 10:04 a.m., Mrs. Alice Lii was called and sworn and testified on her own behalf.

At 12:02 p.m., the Court ordered this case continued to May 23, 1951, at 9 a.m. for further trial.

From the Minutes of the United States District
Court for the District of Hawaii

[Title of Cause.]

WEDNESDAY, MAY 23, 1951

On this day came Mr. Nat Richardson, Jr., Assistant United States District Attorney, and also came the defendants herein with Mr. O. P. Soares, their counsel. This case was called for further trial.

It was stipulated by respective counsel that the jury heretofore empaneled and sworn to try the issues herein was present.

At 9:10 a.m., the defendants rested.

Miss Sarah Lee Wright was recalled and testified further.

At 9:45 a.m., Mr. John B. Kramer, Deputy Collector, Internal Revenue, was called and sworn and testified on behalf of the plaintiff.

At 9:50 a.m., Mr. William Samuel Holloway, Jr., Safety Engineer, Hawaii Aeronautics Commission, was called and sworn and testified on behalf of the plaintiff.

At 10:13 a.m., request was made by Mr. Soares for a continuance of one week to enable a material witness on behalf of the defendants to be present. Ruling on request was deferred to 1:30 p.m.

At 10:20 a.m., the Court ordered this case continued to 1:30 p.m. this day for further trial.

At 1:32 p.m., request of Mr. Soares for a continuance was denied by the Court.

Mr. Antone Tony Rapoza, Sales Representative,

Schuman Carriage Co., Ltd., was called and sworn and testified on behalf of the plaintiff.

Sales Memo., Schuman Carriage Co., Ltd., was admitted in evidence as Plaintiff's Exhibit "C," marked and ordered filed.

At 1:45 p.m., Mr. Harlow T. Ogata, Salesman, Universal Motor Co., Ltd., was called and sworn and testified on behalf of the plaintiff.

Car Invoice, Universal Motor Co., Ltd., was marked for identification as Defendants' "A-1."

Statement, Universal Motor Co., Ltd., was marked for identification as Defendants' "A-2."

At 2 p.m., Miss Lorraine Marjorie Staunton was called and sworn and testified on behalf of the plaintiff.

At 2:25 p.m., the plaintiff rested.

Mrs. Alice Lii was recalled and testified further.

At 2:30 p.m., request for a continuance to May 28, 1951, was renewed by Mr. Soares and was again denied by the Court.

Thereafter, both sides rested.

At 2:51 p.m., argument was had by Mr. Richardson.

At 3 p.m., argument was had by Mr. Soares, followed by Mr. Richardson at 3:40 p.m., in his closing argument.

At 3:42 p.m., the Court instructed the jury.

At 4:02 p.m., Mr. Otto F. Heine, United States Marshal, Mr. E. U. Moses and Mr. George E. Bruns, Deputy United States Marshals, were sworn as bailiffs to take charge of the jury during its deliberations.

At 4:55 p.m., the jury appeared and in the presence of respective counsel and the defendants and through their foreman returned the following verdicts of guilty which were ordered to be placed on file:

* * *

[To avoid duplication, copies of the verdicts which are recorded on the original minutes are not set forth here, the same being exact copies of the signed originals thereof which follow.]

[Title of District Court and Cause.]

VERDICT AS TO MINER LII

We, the Jury, duly empaneled and sworn in the above-entitled cause, do hereby find the Defendant, Miner Lii, Guilty as charged in the indictment herein.

Dated: Honolulu, T. H., this 23rd day of May, 1951.

/s/ EARL J. FORD,
Foreman.

[Endorsed]: Filed May 23, 1951.

[Title of District Court and Cause.]

VERDICT AS TO ALICE LII

We, the Jury, duly empaneled and sworn in the above-entitled cause, do hereby find the Defendant, Alice Lii, Guilty as charged in the indictment herein.

Dated: Honolulu, T. H., this 23rd day of May, 1951.

/s/ EARL J. FORD,
Foreman.

[Endorsed]: Filed May 23, 1951.

From the Minutes of the United States District
Court for the District of Hawaii

[Title of Cause.]

THURSDAY, MAY 31, 1951

On this day came Mr. Nat Richardson, Jr., Assistant United States District Attorney, and also came the defendants herein with Mr. O. P. Soares, their counsel. This case was called for sentence.

The Court ordered each defendant committed to prison for a period of Four Years and each defendant was ordered to pay a fine in the sum of \$1,000.00.

Notice of appeal was given and bond on appeal was set in the sum of \$3,000.00 each.

The Judgment and Commitment as to each defendant reads as follows:

[To avoid duplication, copies of the judgments and commitments which are recorded on the original minutes are not set forth here, the same being exact copies of the signed originals thereof which follow.]

District Court of the United States for the
District of Hawaii

Cr. No. 10,419
(18 U.S.C., Sec. 2421)

UNITED STATES OF AMERICA,

vs.

MINER LII and ALICE LII.

JUDGMENT AND COMMITMENT AS TO
MINER LII

On this 31st day of May, 1951, came the attorney for the government and the defendant appeared in person and by counsel; O. P. Soares, Esquire.

It is Adjudged that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of knowingly, wilfully, unlawfully and feloniously procuring and obtaining an airline ticket to be used by a woman, in interstate commerce in going from San Francisco, California to Honolulu, T. H. for the purpose of prostitution, debauchery and other immoral purposes, in violation of Section 2421, Title 18, United States Code, as charged and the court having asked the defendant whether he has anything to say why judgment should

not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of four (4) years and fined the sum of one-thousand dollars (\$1,000.00).

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ D. E. METZGER,

United States District Judge.

/s/ WM. F. THOMPSON, JR.,

Clerk.

[Endorsed]: Filed May 31, 1951.

District Court of the United States for the
District of Hawaii

Cr. No. 10,419
(18 U.S.C., Sec. 2421)

UNITED STATES OF AMERICA,

vs.

MINER LII and ALICE LII.

JUDGMENT AND COMMITMENT AS TO
ALICE LII

On this 31st day of May, 1951, came the attorney for the government and the defendant appeared in person and by counsel; O. P. Soares, Esquire.

It Is Adjudged that the defendant has been convicted upon her plea of not guilty and a verdict of guilty of the offense of knowingly, wilfully, unlawfully and feloniously procuring and obtaining an airline ticket to be used by a woman, in interstate commerce in going from San Francisco, California to Honolulu, T. H. for the purpose of prostitution, debauchery and other immoral purposes, in violation of Section 2421, Title 18, United States Code, as charged and the court having asked the defendant whether she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his

authorized representative for imprisonment for a period of four (4) years and fined the sum of one-thousand (\$1,000.00).

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ D. E. METZGER,

United States District Judge.

/s/ WM. F. THOMPSON, JR.,

Clerk.

[Endorsed]: Filed May 31, 1951.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and address of appellants: Miner Lii and Alice Lii, 1639-F Liliha Street, Honolulu, Hawaii.

Name and address of appellants' attorney: O. P. Soares, P. O. Box 2702, Honolulu 3, Hawaii.

Offense: 18 U.S.C. Sec. 2421.

Concise statement of judgment or order, giving date, and sentence: Upon verdict of guilty returned by the jury on the 23rd day of May, 1951, each of the defendants were adjudged guilty by the judge of the above-entitled court presiding at the trial, who on the 31st day of May, 1951, pronounced sentence as to defendant Miner Lii

4 years imprisonment and \$1,000.00 fine and as to defendant Alice Lii 4 years imprisonment and \$1,000.00 fine.

We, the above named appellants hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above stated judgment and sentence, and we give notice that we elect not to enter upon the service of our respective sentence pending appeal.

Dated at Honolulu, Hawaii, this 31st day of May, 1951.

/s/ MINER A. LII,

/s/ ALICE LII.

[Endorsed]: Filed May 31, 1951.

[Title of District Court and Cause.]

ORDER ADMITTING TO BAIL PENDING
APPEAL TO THE NINTH CIRCUIT
COURT OF APPEALS

Miner Lii and Alice Lii, having duly filed and served a notice of appeal and a notice electing not to enter upon the service of their sentence pending appeal from the judgment of conviction rendered herein and from the sentence herein imposed on the 31st day of May, 1951, which said appeal involves a substantial question, it is

Ordered that the defendants Miner Lii and Alice Lii be set at liberty upon furnishing a bond in the

sum of \$3,000.00 each, during the dependence of said appeal in the United States Court of Appeals for the Ninth Circuit, and until the mandate of said Court of Appeals shall be issued and filed in said appeal and order entered thereon.

Dated at Honolulu, Hawaii, this 31st day of May, 1951.

/s/ D. E. METZGER,

United States District Judge.

[Endorsed]: Filed May 31, 1951.

[Title of District Court and Cause.]

BOND

(Miner Lii)

Know All Men by These Presents:

That we, Miner Lii, as principal, and Fong Hing and Leonard K. M. Fong, as sureties, are held and firmly bound unto the United States of America in the full sum of \$3,000.00 for the payment of which well and truly to be made we do bind ourselves, our executors and administrators, jointly and severally by these presents,

Whereas, lately in the United States District Court in and for the District and Territory of Hawaii judgment and sentence were made and entered against Miner Lii, defendant above named, and

Whereas, notice has been given of appeal to the United States Circuit Court of Appeals for the

Ninth Judicial Circuit to secure a reversal of said judgment and sentence, and

Whereas, the Honorable Delbert E. Metzger, Judge of said District Court, did regularly order that a supersedeas bail bond be given in the sum of \$3,000.00 pending said appeal.

Now, Therefore, the condition of the above obligation is such that if the said Miner Lii shall appear here in person or by attorney in the United States Circuit Court of Appeals for the Ninth Judicial Circuit on such day or days as may be appointed for the hearing of said cause in said Circuit Court and prosecute his appeal and shall abide by and obey all orders made by said Circuit Court in said cause, and shall pay any fine, damages and all costs imposed by the judgment of said District Court against him, and shall surrender himself in execution of the judgment and sentence appealed from as said Circuit Court may direct, if the judgment and sentence against him shall be affirmed or the appeal dismissed; and if he shall appear for trial in said District Court on such day or days as may be appointed for a retrial of said cause and abide by and obey all the orders made by said District Court, provided the judgment and sentence made against him shall be reversed by said Circuit Court, and if he shall not leave the territorial jurisdiction of the City and County of Honolulu, Territory of Hawaii, without first obtaining the permission of Court, then the above obligation shall be void, otherwise to remain in full force, effect and virtue.

In Witness Whereof, the above bounden principal and sureties have hereunto affixed their hands this 31st day of May, 1951.

/s/ MINER A. LII,
Principal.

/s/ FONG HING,
Surety.

/s/ LEONARD L. M. FONG,
Surety.

Taken and acknowledged before me this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Territory of Hawaii,
City and County of Honolulu—ss.

Fong Hing, being first duly sworn, on oath deposes and says that he is the Fong Hing named as a surety and who filed the foregoing Bond and that he is worth the sum of \$6000.00 over and above all just debts and liabilities in property situate in the Territory of Hawaii and subject to execution.

/s/ FONG HING.

Subscribed and sworn to before me this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Territory of Hawaii,
City and County of Honolulu—ss.

Leonard K. M. Fong, being first duly sworn, on oath deposes and says that he is the Leonard K. M. Fong named as a surety and who filed the foregoing Bond and that he is worth the sum of \$6000.00 over and above all just debts and liabilities in property situate in the Territory of Hawaii and subject to execution.

/s/ LEONARD K. M. FONG.

Subscribed and sworn to before me this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Approved as to form:

/s/ NAT RICHARDSON, JR.,
United States Attorney.

Approved as to the amount and sufficiency of surety:

/s/ D. E. METZGER,
Judge, United States District
Court.

[Endorsed]: Filed May 31, 1951. [20]

[Title of District Court and Cause.]

BOND

·(Alice Lii)

Know All Men by These Presents:

That we Alice Lii, as principal, and Fong Hing and Leonard K. M. Fong, as sureties, are held and firmly bound unto the United States of America in the full sum of \$3,000.00 for the payment of which well and truly to be made we do bind ourselves, our executors and administrators, jointly and severally by these presents,

Whereas, Lately in the United States District Court in and for the District and Territory of Hawaii judgment and sentence were made and entered against Alice Lii, defendant above named, and

Whereas, notice has been given of appeal to the United States Circuit Court of Appeals for the Ninth Judicial Circuit to secure a reversal of said judgment and sentence, and

Whereas, the Honorable Delbert E. Metzger, Judge of said District Court, did regularly order that a supersedeas bail bond be given in the sum of \$3,000.00 pending said appeal.

Now, Therefore, the condition of the above obligation is such that if the said Alice Lii shall appear here in person or by attorney in the United States Circuit Court of Appeals for the Ninth Judicial Circuit on such day or days as may be appointed for the hearing of said cause in said Circuit Court and prosecute her appeal and shall abide by

and obey all orders made by said Circuit Court in said cause, and shall pay any fine, damages and all costs imposed by the judgment of said District Court against her, and shall surrender herself in execution of the judgment and sentence appealed from as said Circuit Court may direct, if the judgment and sentence against her shall be affirmed or the appeal dismissed; and if she shall appear for trial in said District Court on such day or days as may be appointed for a retrial of said cause and abide by and obey all the orders made by said District Court, provided the judgment and sentence made against her shall be reversed by said Circuit Court, and if she shall not leave the territorial jurisdiction of the City and County of Honolulu, Territory of Hawaii, without first obtaining the permission of Court, then the above obligation shall be void, otherwise to remain in full force, effect and virtue.

In Witness Whereof, the above bounden principal and sureties have hereunto affixed their hands this 31st day of May 1951.

/s/ ALICE LII,
Principal.

/s/ FONG HING,
Surety.

/s/ LEONARD K. M. FONG,
Surety.

Taken and acknowledged before me this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Territory of Hawaii,
City and County of Honolulu—ss.

Fong Hing, being first duly sworn, on oath deposes and says that he is the Fong Hing named as a surety and who filed the foregoing Bond and he is worth the sum of \$6000.00 over and above all just debts and liabilities in property situate in the Territory of Hawaii and subject to execution.

/s/ FONG HING.

Subscribed and sworn to before me, this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Territory of Hawaii,
City and County of Honolulu—ss.

Leonard K. M. Fong, being first duly sworn, on oath deposes and says that he is the Leonard K. M. Fong named as a surety and who filed the foregoing Bond and that he is worth the sum of \$6,000.00 over and above all just debts and liabilities in property situate in the Territory of Hawaii and subject to execution.

/s/ LEONARD K. M. FONG.

Subscribed and sworn to before me this 31st day of May, 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,
Clerk, United States District
Court.

Approved as to form:

/s/ NAT RICHARDSON, JR.,
United States Attorney.

Approved as to the amount and sufficiency of surety:

/s/ D. E. METZGER,
Judge, United States District
Court.

[Endorsed]: Filed May 31, 1951.

[Title of District Court and Cause.]

STIPULATION

It Is Hereby Stipulated and Agreed by and between the parties to the above entitled action, through their respective counsel, that at a hearing in the chambers of the Honorable Delbert E. Metzger, judge of the above entitled Court, presiding at the trial of the above entitled action, which said hearing was at the request of said judge, for the purpose of settling the instructions requested by the respective parties to the above entitled cause and which said hearing was held before the jury retired

and out of the presence of the jury, defendants requested the following instructions, namely:

DEFENDANT'S INSTRUCTION No. 1

"I instruct you, gentlemen of the jury, to find the defendants not guilty."

which request was refused by said judge, to which said refusal, defendants, through their counsel, objected on the ground that the evidence was insufficient to sustain the allegations of the indictment as to each of the defendants.

Dated at Honolulu, Hawaii, this 6th day of July, 1951.

MINER LII, and
ALICE LII,
Defendants.

By /s/ O. P. SOARES,
Their Attorney.

UNITED STATES OF
AMERICA,
Plaintiff.

By /s/ HOWARD K. HODDICK,
Acting United States
Attorney, District of
Hawaii.

[Endorsed]: Filed July 6, 1951.

In the United States District Court for the
District of Hawaii

Criminal No. 10,419

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MINER LII and ALICE LII,

Defendants.

TRANSCRIPT OF PROCEEDINGS

In the above-entitled matter, held in the U. S.
District Court, Honolulu, T. H., commencing on May
21, 1951, and ending on May 23, 1951,

Before: Hon. Delbert E. Metzger,
Judge, and a Jury.

Appearances:

NAT RICHARDSON, JR.,

Assistant U. S. Attorney, appearing for
Plaintiff;

O. P. SOARES, ESQ.,

Appearing for the Defendants.

(9:30 a.m.)

The Clerk: Criminal No. 10,419, United States
of America, Plaintiff, versus Miner Lii and Alice
Lii, Defendants; case called for trial.

Mr. Soares: If the Court please. unfortunately
I will have to ask the Court to take a 10-minute
recess to see if I can get a line on my clients. There
seems to be some confusion. They are not here. I
last talked to my clients on Thursday. I know that

there was a case in which they were witnesses in the District Court today, and it is possible that they may have confused that court with this one. And I should like an opportunity to do some telephoning to see if I can straighten the thing out.

The Court: All right.

(A recess was taken.)

The Court: Miner Lii and Alice Lii, why were you not present this morning when your case was called at half past nine?

Miner Lii: I was finding for that letter. I thought it was Wednesday.

The Court: You thought it was Wednesday?

Miner Lii: That's right, your Honor.

The Court: And why were you not present?

Alice Lii: Well, I understood it was Wednesday, so I [2*] was home.

The Court: Well, your lawyer knew it was on Monday and he tells me that he told you it was on Monday. You kept 28 jurors waiting here now for practically an hour. The Court finds you in contempt, each of you, for not being here when your case was called. And I fine you each \$50 a piece, and you will be in the custody of the Marshal until that fine is paid.

Call the jurors.

The Clerk: Criminal No. 10,419, United States of America, Plaintiff, versus Miner Lii and Alice Lii, Defendants; case called for trial.

Mr. Soares: If the Court please, we would be

* Page numbering appearing at top of page of original Reporter's Transcript.

ready for trial except for this incident now, in the presence of the jury, which we submit was prejudicial to the defendant's rights to a fair and impartial trial, the Court having found in the presence of the jury the defendants guilty in contempt and assessing a fine and ordering them into the custody of the Marshal. I submit that it interferes with their obtaining a fair and impartial trial.

The Court: I see no point whatever in your objection.

— Mr. Soares: I take an exception.

The Court: Call the jury.

(A jury was duly impaneled and sworn.) [3]

Mr. Soares: If the Court please, I will ask that all witnesses be placed under the rule.

The Court: Well, we won't proceed into the trial just now. How many of you jurors have never sat before? How many have never sat in a criminal trial as jurors? How many have never sat in a criminal trial in any court? (Several hands.) Well, now, I instruct you in advance that a person charged or indicted with having committed a crime, that the indictment, the accusation, is nothing more than an accusation. It just simply brings them to face the trial. Every person who may be charged with a crime is supposed to be, presumed to be innocent of that charge until they are proven guilty, and they must be proven guilty in the eyes of the jury and the Court beyond all reasonable doubt. Now, reasonable doubt—many definitions have been

given to describe what a reasonable doubt is, and in the final analysis it comes down to about this: that if a doubt persistently is well enough established in the mind of a person to guide his conduct in the serious affairs of life, if it is a well-established doubt based upon sound reasoning arising from the facts, that, then, is a reasonable doubt. The Court will, when the general and complete instructions are given, give you a definition as to reasonable doubt.

Now, you are trying these defendants for just what they are indicted for in this case, and nothing else. What their [4] conduct may have been in other affairs is of no concern to you in trying this case. You were present when the Court had been aggrieved by their failure to be here at the time set for trial and the Court found them in contempt, guilty of contempt, and punished them. That is of no consideration to you gentlemen at all. It doesn't enter into this trial of this case in any respect whatsoever. In your minds it should not.

You will be excused now until 1:30 this afternoon, and then you will come in to hear the evidence in the case. The remaining jurors who haven't been called to try this case are excused until Thursday morning of this week. That is May 24th, at 9:30 o'clock in the morning; Thursday morning at 9:30. We will now adjourn, recess, until 1:30.

(The Court recessed at 11:30 a.m.) [5]

Afternoon Session

The Court: The jurymen are all in the box. You may proceed.

Mr. Richardson: If your Honor please, I'd like to make a short opening statement.

The Court: Yes, I'd like to have it, to have you inform the jury.

Mr. Richardson: If your Honor please, gentlemen of the jury, the Government will undertake to show in this case that last October, 1950, the defendants, Miner Lii and Alice Lii were in San Francisco, California. While they were there they met a girl named Sarah Lee Wright and they made a proposition to this girl to come to Honolulu and work as a prostitute in the residence which the Liis occupied; that they had several conferences about coming over, about Sarah Lee Wright coming with them; and that they bought a ticket to pay for her passage from San Francisco to Honolulu. They did come over, she came over with them, and they worked her as a prostitute in the premises occupied by Mr. and Mrs. Lii, and she turned over half of her earnings to the defendants.

The specific offense which is charged in the indictment is the procuring of the ticket to pay for the transportation for this Sarah Lee Wright from San Francisco to Honolulu.

We further intend to prove all the material allegations [6] in the indictment.

The Court: Are there any persons in the courtroom who have been subpoenaed as witnesses or

have reason to believe that they will be called as witnesses? If there are, they will retire out of the courtroom.

Mr. Soares: Well, has your Honor limited that only to those who were subpoenaed?

The Court: Those who have reason to believe that they will be called.

Mr. Soares: Well, I will invoke the rule which, as I understand it, is that any witnesses are not to be in the courtroom while the trial is on.

The Court: Well, that is what I intended to say.

Mr. Soares: Yes. I'd like to make a statement.

The Court: I have frequently made an exception in behalf of the F. B. I. agents or others who are able to guide the prosecution in their work.

Mr. Richardson: If your Honor please, Mr. Limprecht is with the F. B. I. and I'd like to have him remain as my witness. It might be that we won't put him on.

Mr. Soares: Well, we make an objection to it and submit to the Court's ruling.

Mr. Richardson: If your Honor please, I understand that I am entitled to have one witness remain in the courtroom.

The Court: I don't know that you are entitled to it. [7] I think it is a matter of discretion of the Court. I have made no exception in using my discretion to permit the chief aid to the prosecution to remain in here, and the same thing would be true with the defendants.

Mr. Soares: May I make an opening statement on behalf of the defendants at this time?

The Court: Yes.

Mr. Soares: May it please the Court and you gentlemen of the jury, when this case reaches the part where the defendant is required to put on any evidence, we will expect to show—and some of these facts may be elicited from the prosecution witnesses themselves—we think that they will be if the truth is told—and I understand it to be, that Miner Lii and his wife went to San Francisco for a vacation. Miner Lii had a brother there who is a seaman, whom he hadn't seen for some years. And among the things that he expected to do was to see his brother. Mrs. Lii, I believe, had never been on the mainland.

While on the mainland they visited several night spots and were entertained by a friend of theirs. I can't give you her exact name right now but I think it is Mary Chang, if I am not mistaken, who introduced her to Sarah Lee Wright. Sarah Lee Wright was a known prostitute, that is, known to the police of San Francisco, having practiced her profession around the bay area for some time, including Stockton and [8] Sacramento, I think. These facts were not then known to the Liis.

For a long time the police have been trying to get something on Miner Lii. I think the facts will be disclosed in the evidence that he has had difficulty with the police on several occasions, some of which, in some of which he has been beaten up and in others of which he has beaten up the police. If he takes the witness stand, I think the prosecution will bring out from him the prior convictions which

will include these convictions and one very early sex offense some ten years or more ago.

The evidence will show that this Sarah Lee Wright was picked up by the police independently of any connection with Miner Lii for prostitution, and was charged with that offense; that the case was set for trial some time before this indictment; and that Sarah Lee, either at the suggestion of the city police or through her own ideas, conceived the idea of placing the responsibility on Miner Lii and his wife for being here in Honolulu.

Now, it is true that Mrs. Lii had invited her friend Mary Chang, I think—and if the plane schedules aren't disrupted we expect to have Mary here as a witness—had invited her to visit with her; that Sarah Lee Wright had conceived the idea of coming to Honolulu, too, and asked for assistance to come here for a visit; that Mrs. Lii purchased the ticket, [9] and all three of them came; that there was no arrangement whereby Sarah Lee Wright was to engage in the business of prostitution, and especially was there no arrangement that Miner Lii or Mrs. Lii were to share in her earnings.

We will show that she has had a varied experience in prostitution in Honolulu, none of which was connected up with Miner Lii; that after she ran afoul of the police, trying to protect herself and succeeding, as a matter of fact, in getting the city police to dismiss the charges against her, that she even went to the extent of trying to get money from Miner Lii, and he, suspecting that something was wrong, asked her to accompany him to the city

prosecutor's office, and she did. He went into the office and when she found that he was in consultation with Mr. Hawkins, the public prosecutor, she made her departure from the office and didn't make any statement to Mr. Hawkins.

We will not only bring evidence to show that the defendant did not commit this particular crime or any crime connected with white slavery, but we will, I think, have evidence enough to satisfy you that the whole motive of this was the desire of Sarah Lee Wright to protect herself against prosecution by the city police, and an understandable desire on the part of the city police to finally get something on Miner Lii.

Mr. Richardson: Call Miss Sarah Lee Wright.

SARAH LEE WRIGHT

a witness on behalf of [10] the plaintiff, being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you state your full name?

A. Sarah Lee Wright.

Q. And, Miss Wright, you will have to speak out loud so all these gentlemen can hear you. How long have you been in Honolulu, Miss Wright?

A. Going on eight months.

Q. When did you come out? Do you recall the month?

A. October.

Q. October of last year?

A. Yes.

(Testimony of Sarah Lee Wright.)

Q. Now, Miss Wright, do you know the defendants in this case, Miner Lii and Alice Lii, his wife?

A. Yes, sir.

Q. Do you see them here in the courtroom?

A. Yes, sir.

Q. Can you identify them? A. Yes.

Q. Point them out.

A. There. (Indicating defendants.)

Mr. Richardson: Let the record show, if your Honor please, that she has identified the defendants.

Q. Miss Wright, where did you meet Miner Lii and his [11] wife, Alice Lii?

A. San Francisco.

Q. And when was that? What month was it?

A. October, the same month I came over here.

Q. That is, October of last year? A. Yes.

Q. Now, where did you meet them in San Francisco, Miss Wright?

A. Around a bar on Kearny Street, Blanco's.

Q. Is it B-l-a-n-c-o?

A. B-l-a-n-c-o. I don't know.

Q. At any rate, it is a place known as Blanco's bar on Kearny? A. Yes.

Q. Now, tell the Court and gentlemen of the jury how you happened to meet the defendants and what took place when you met them?

A. Well, a friend introduced me to Miner.

Q. Is that a friend of yours or a friend of his?

A. Well, I guess it's a friend of both of ours. And then I drank a coke.

Q. Just a little bit louder, Miss Wright.

(Testimony of Sarah Lee Wright.)

A. I drank a coke in the bar and then they come in and they wanted me to talk to them in the car. And I went out and talked to them in the car. [12]

Q. Just a minute, now. You mean Mr. and Mrs. Lii had a car outside?

Mr. Soares: We object to leading questions.

Mr. Richardson: I didn't understand it, if your Honor please.

The Witness: They were in——

—Mr. Richardson: Just a minute.

Mr. Soares: The question is leading, whether or not counsel understood it or not.

Q. (By Mr. Richardson): Just go ahead and tell what happened, Miss Wright?

A. And then they propositioned me about coming to Honolulu.

Q. Well, now, first you met them in the bar, is that correct?

A. Yes, around the bar. First I was introduced to Miner right at the door, at the bar, on the sidewalk, rather. And then I was in the bar and they come and got me and wanted to talk to me in the car.

Q. Did you do that? A. Yes, sir.

Q. And who all went out in the car?

A. There was Mr. and Mrs. Lii in the back seat, and the fellow who introduced me to them and I in the front seat.

Q. You all got in the car, did you? [13]

A. Yes.

Q. All right, now, just tell what was said?

(Testimony of Sarah Lee Wright.)

A. Well, I turned around and I said, "You want to talk to me?" And they propositioned me about coming to Honolulu.

Q. What did they say about coming to Honolulu?

A. They asked me if I wanted to come over here and work.

Q. When they said "work," what do you understand that to mean?

A. Well, I mean—prostitution.

Q. Was it understood between you that you were to come as a prostitute? A. Yes.

Mr. Soares: I object to that as leading and calling for a conclusion of the witness.

The Court: Can't you elicit what you want without any indication of leading the witness?

Mr. Richardson: Well, if your Honor please, I am trying to get her to say what happened there. I will try to do better on it.

Q. (By Mr. Richardson): Just tell what was said there, Miss Wright, with reference to you coming to Honolulu and working.

A. So they told me what it was all like, what it was like, and that I'd work in there, in their house, and they [14] already had the men and how much it was and everything. I mean, they let me know what everything was going to be like.

Mr. Soares: I can't hear the witness, if the Court please.

Mr. Richardson: Try to speak a little louder. I'm afraid the jury can't hear you, either.

(Testimony of Sarah Lee Wright.)

Q. Now, arrangements were made about the money that you received——

Mr. Soares: I object to that as leading and suggestive and assuming something not in evidence.

Mr. Richardson: That is not a leading question. I am asking what arrangements were made. It doesn't suggest an answer.

The Court: You spoke about being invited to come, did you not?

The Witness: Yes, sir.

The Court: Well, now, can you tell from there on what arrangement was made, if any?

The Witness: Yes. I told them after we got through talking, I told them I would think it over.

The Court: You are not talking to me; you are talking to the jury and counsel.

The Witness: I told them that I would think it over and I would let them know, which I always wanted to come to Honolulu.

Mr. Soares: I didn't hear that. [15]

The Court: She said she always wanted to come to Honolulu.

Q. (By Mr. Richardson): All right, Miss Wright. Was that at nighttime when you first met them? A. Yes, sir.

Q. When did you next see them?

A. The next day.

Q. Well, now, was it in the morning or afternoon or when the next day?

A. It was in the afternoon, early afternoon.

Q. And where did you see them at that time?

(Testimony of Sarah Lee Wright.)

A. In Blanco's bar.

Q. At the same place? A. Yes.

Q. All right. What other conversation took place then with reference to you coming to Honolulu?

A. They just asked if I was going to go, and I said I'd let them know.

Q. You hadn't made up your mind at that time?

A. No.

Q. Did any other conversation take place there?

A. No, sir.

Q. All right, now, when did you see them again?

A. Well, I saw them about every day. And on the third day I let them know for sure if I was coming or not. [16]

Q. Whom did you talk to? Did you talk to Mr. Lii or his wife or who?

A. Well, both of them know I was coming.

Mr. Soares: I didn't hear that.

(The reporter read the last question and answer.)

Q. (By Mr. Richardson): Did that conversation take place in Blanco's bar also?

A. Yes.

Q. And they were both present, is that correct?

A. Yes.

Mr. Soares: I must ask the Court to admonish Counsel not to lead the witness. He just tells her exactly what he wants her to say.

Mr. Richardson: She just testified——

Mr. Soares: Yes, but she didn't testify as Coun-

(Testimony of Sarah Lee Wright.)

sel is trying to get her to testify, as in the last question. He just puts the words in her mouth.

Q. (By Mr. Richardson): Well, state whether or not, Miss Wright, whether they were both present with you when you met them?

A. Yes, they were.

Q. Now, what arrangement was made with reference to a ticket to come over here, Miss Wright?

—A. Well, when I told them I was going to come, they was going to make reservation on another flight, but it seems as [17] if they didn't have enough seats for three.

Q. Who was going to make those reservations?

A. Miss Lii.

Q. You mean Mrs. Lii, the wife?

A. Yes, Mrs. Lii.

Q. All right.

A. And then we didn't do it in the bar because it's a public telephone, you know; it has no booth. So I went across the street to the gas station.

Q. Who went across the street?

A. All three of us.

Q. All right.

A. And while Mrs. Lii was in the telephone, in the booth, and I was almost in the booth, at least this much of me was in the booth (indicating), why, she made the reservation.

Mr. Soares: I can't hear, if the Court please. It seems to me she could talk louder.

(Testimony of Sarah Lee Wright.)

Q. (By Mr. Richardson): Could you overhear the conversation, Miss Wright?

Mr. Soares: We object to that as leading and suggestive.

Mr. Richardson: It is a proper conversation.

The Court: I see nothing leading about the question.

Mr. Soares: The fact that he suggests to her that he wants her to say—— [18]

The Court: I don't know what he wants her to say.

Mr. Soares: I am pointing out, if I may, in support of my objection that this question is practically telling this witness to say that she overheard the conversation.

The Court: I can't see that at all. She could just as readily say, No, that she didn't.

The Witness: Yes, I did.

Mr. Soares: Save an exception to the ruling of the Court.

Q. (By Mr. Richardson): What was your answer?

A. Yes, I did. I was almost in the booth with her and the door was open. I was half in the telephone booth.

Q. Whom did she call?

A. Pan-American.

Q. You heard that? A. Oh, yes.

Q. How many reservations did she make?

A. For three.

Q. To leave at what time?

(Testimony of Sarah Lee Wright.)

A. At nine o'clock Monday morning.

Q. Now, what day of the week was this that she made the call, if you recall?

A. I don't quite remember because, I mean, it was a holiday and then there was a parade and everything. I couldn't remember whether it was a Saturday or Sunday. [19]

Q. Well, I will ask you, then, was it several days before you left?

A. Even the day before, I think.

Q. All right, now, after that, did you have any further conversations with these Defendants about coming over here?

A. Oh, yes. The night, Sunday night, we all went out and was talking about me coming over here.

Q. Well, now; what, if anything, what conditions were attached to the money that you would, that you were to make?

A. You see, when I first talked to them I told them I couldn't go because I didn't have any money. He said that was quite all right because he'd pay my way.

Q. Well, then, I will ask you whether or not you did leave the following Monday?

A. Yes, we left on a Monday.

Q. What time did you leave?

A. Nine o'clock in the morning.

Q. Now, who was with you when you left?

A. When we got on the plane?

Q. Yes.

(Testimony of Sarah Lee Wright.)

A. Myself, Mr. and Mrs. Lii, and a friend.

Q. I didn't hear. A. And a friend.

Mr. Soares: May I have the answer read?

(The reporter read the last answer.) [20]

Q. (By Mr. Richardson): Who was this friend?

A. Mary Chang.

Q. Now, when you got here, Miss Wright, I believe you said that was Monday morning that you left?

A. Yes, sir.

Q. You got in here Monday afternoon?

A. Yes, sir.

Q. When you got here, Miss Wright, where did you go?

A. To Mr. and Mrs. Lii's house.

Q. And how long did you live there in Mr. and Mrs. Lii's house?

A. About seven weeks.

Q. Now, what were you doing while you were there, Miss Wright?

A. Working.

Mr. Soares: I object to it, Counsel, as incompetent, irrelevant and immaterial, and not within the issues here.

Mr. Richardson: If your Honor please, it is within the issues here.

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): What were you doing here?

A. Working. [21]

Q. What do you mean, "working," Miss Wright? Just speak out and tell the Court and jury.

A. Working as a prostitute.

Q. Now, the money that you made there working as a prostitute, what did you do with that?

(Testimony of Sarah Lee Wright.)

A. I bought clothes and I have been living on some of it.

Q. Did you keep all the money yourself?

A. No.

Mr. Soares: When this witness speaks up, I am going to be forced to call these continuous interruptions——

Q. (By Mr. Richardson): Well, what did you do with the money that you didn't keep yourself, Miss Wright? A. Well, you mean my share?

Q. I don't know what your share is.

A. Well, half went to them and half went to me.

Q. When you say half went to them, whom do you mean? A. Mr. and Mrs. Lii.

Q. Was that one of the conditions that was attached to your coming out here? A. Yes.

Mr. Soares: I object to that as leading and suggestive.

Mr. Richardson: It is not. I am asking if it was. It suggests no answer. [22]

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Can you answer that, Miss Wright? A. Yes, sir.

Q. Your answer is that it was a condition?

A. Yes.

Q. Is that right?

A. Yes, it was a condition.

Q. Now, how long did you stay there?

A. Seven weeks.

Q. Eleven weeks? A. Seven.

(Testimony of Sarah Lee Wright.)

Q. During that time, Miss Wright, how much money did you make from prostitution?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not within the issues here, and can only serve to prejudice the jury against these defendants.

Mr. Richardson: If your Honor please,——

Mr. Soares: It is a matter not involved in the charge.

Mr. Richardson: ——it is competent in this sense: we have to establish under the statute that she did come over and work as a prostitute in order to make out a case. Now certainly that is a circumstance that if we can show that is so, it has some probative value to go to the jury. [23]

Mr. Soares: That is not my understanding of the statute, this phase of the statute, at all. It would be a violation whether she worked here or not. That doesn't enter into it. That is a separate and distinct offense not alleged in the indictment. This particular offense is complete when they procured the tickets for that purpose, and if she uses the tickets. What she does after she gets here doesn't make any difference at all to this particular offense.

Mr. Richardson: It is alleged in the indictment and is part of the offense, if your Honor please, that the ticket which we say these defendants procured for this witness, the ticket has to be used to bring her here for prostitution purposes. That is in the indictment and in the statute.

The Court: Well, she has already testified that

(Testimony of Sarah Lee Wright.)

she worked here as a prostitute under an arrangement with the Liis and at their house. Now, she made a reference to half of the remuneration she got was to go to the Liis and half to herself.

Mr. Richardson: Yes, sir.

The Court: What more do you want?

Mr. Richardson: Well, if your Honor please, it just shows the circumstances under which she was working. She can testify how much she made.

—The Court: Well, that otherwise brought into the case, if there was any question raised about it or not—you can ask [24] her if she made money and that there was such a division of profits.

Mr. Richardson: All right. I will put it this way, if your Honor please.

Q. During the seven weeks you stayed there, Miss Wright, did you make some money?

A. Yes, sir.

Q. And half of that money, without saying how much it was, half of it was paid to the Liis, is that correct?

A. Yes, sir.

Q. Now, getting back to when you were in San Francisco, on the Monday that you left, Miss Wright, who took you to the airport?

A. Frank Samson.

Mr. Soares: Who?

The Witness: Frank Samson.

The Court: Stamson?

The Witness: S-a-m-s-o-n.

Q. Whose car were you in, Miss Wright?

A. Mr. Samson's.

(Testimony of Sarah Lee Wright.)

Q. And who went to the airport with you?

A. Well, there was Mr. and Mrs. Lii, myself and my girl friend.

Q. That is this Miss Chang?

A. Yes, Mary Chang. [25]

Q. Now, have you been arrested and charged with prostitution since you have been here in Honolulu? A. No, sir.

Q. Were you working as a prostitute in San Francisco at the time you met the Liis?

A. No, sir.

Mr. Richardson: I think that's all.

Cross-Examination

By Mr. Soares:

Q. Do you mean to say that you had never been arrested and charged with prostitution since you have been in Honolulu? A. No, sir.

Q. Is that true? A. Yes, sir.

Q. Is that as true as everything else you have told us? A. Yes, sir.

Mr. Richardson: I object to that, if your Honor please. She says she has not. If he has any proof to contradict it, he can introduce it.

Q. (By Mr. Soares): Have you been arrested and charged with anything, any crime?

A. No, sir.

Q. In Honolulu? What is your answer?

A. No, sir. [26]

Q. Weren't you represented in the District Court of Honolulu where you were charged with the offense

(Testimony of Sarah Lee Wright.)

of prostitution and represented by the firm of Landau and Fairbanks as your attorneys?

Mr. Richardson: If your Honor please, she answered that.

The Court: She may answer this. This is a specific question.

Q. (By Mr. Soares): Weren't you?

A. I was picked up, but I wasn't convicted.

Q. You weren't convicted? A. No, sir.

Q. But you were charged? A. Suspicion.

Q. You were charged and you were in court, weren't you? A. No, I did not go to court.

Q. You hired lawyers, didn't you?

A. I got a lawyer. I didn't go to court.

Q. And the charge was dropped later, wasn't it?

A. I don't know. I never went to court.

Q. What is that? You never have been in court?

A. No, sir.

Q. When you were picked up by the police here?

A. I don't remember.

Q. Well, about when? [27]

A. A couple of months ago, I suppose.

Q. Did you give bond? A. Yes.

Q. Do you know whether that bond is still in force? A. No, it isn't.

Q. How did you find out it isn't in force?

A. Oh, on the day that they dropped the case.

Q. What's that?

A. The day that they dropped the case.

Q. Who dropped the case? Who dropped what case? I thought you said you had no case.

(Testimony of Sarah Lee Wright.)

A. They picked me up. Naturally it's going to be a case. I didn't go to court, but I guess they dropped it if I didn't go. What else is there?

Q. Well, did anybody tell you they were going to drop the case?

A. Nobody told me nothing. I wasn't down there. I didn't go. It was in their office.

Q. Were you ever in the courtroom?

A. No, sir.

Q. Were you ever told by your lawyers when you were expected in court?

A. My lawyer?

Q. Yes, your lawyers.

A. I was supposed to go one morning. [28]

Q. What?

A. I was supposed to go one morning.

Q. Go where?

A. To court.

Q. Did your lawyers tell you that?

A. That's what they said. I went down to his office, but I didn't go.

Q. Why didn't you go?

A. I don't know. They said they dismissed, or something like that.

Q. Who told you it was dismissed?

A. Fairbanks.

Q. Where was he when he told you the case was dismissed?

A. I was in his office.

Q. Well, you did go to his office?

A. I said I was in his office.

Q. And do you know why he wanted you in his office that morning?

(Testimony of Sarah Lee Wright.)

A. For some money, I suppose. I hadn't paid him anything.

Q. Did he tell you that was the day the case was supposed to come up?

A. I knew it was or I wouldn't be down there.

Q. How did you know that was the day that case was going to come up? [29]

A. That's what they told me.

Q. Who told you?

A. Fairbanks, I suppose. Him or Shaffer.

Q. What's that?

A. Him or Sergeant Shaffer.

Q. Was Fairbanks there when Sergeant Shaffer talked to you? A. No, sir.

Q. When was it that Sergeant Shaffer talked to you?

Mr. Richardson: If your Honor please, I object to this. This is getting mighty far afield.

Mr. Soares: It is not, if the Court please. We have outlined what we expected to show.

The Court: I can't see where there is any legitimate cross-examination.

Mr. Soares: Searching out her motives for testifying in this case, if the Court please. And it is significant that the first time we mentioned Shaffer's name, that is when the objection is made. We have got all the preliminaries necessary to carry out what we told the jury we would expect to show, both by our evidence and by cross-examination, if the witness told the truth. And here it is. We have come right up to it now.

(Testimony of Sarah Lee Wright.)

The Court: Well, you are examining her now presumably as to her credibility. [30]

Mr. Soares: And her motive for testifying. And she is attempting to testify——

The Court: She has testified. Now, what is your question?

(The reporter read the last question.)

A. When I got—when they picked me up for suspicion of prostitution.

Q. (By Mr. Soares): Can you give us that date?

A. No, sir, I don't remember.

Q. Have you been picked up more than once?

A. No, sir.

Q. So that since the time that you have been speaking of, you haven't been picked up?

A. No, sir.

Q. You have been practicing prostitution from that time to this, haven't you?

A. I have not.

Q. You know Richard Ho, H-o?

A. No, sir.

Q. You know a boy by the name of Whitey?

A. I know one by that name, yes.

Q. Who is he?

A. All I know him by is Whitey.

Q. How did you come to know him?

A. From eating in U.P.'s.

Q. What's that? [31]

A. From eating downtown.

Q. What is his business, do you know?

A. I don't know. I never asked.

Q. Do you know Gilbert Mun Lum?

(Testimony of Sarah Lee Wright.)

A. No.

Q. Or Lee Lum? A. No.

Q. What? A. No, sir.

Q. Do you know Alexander Mendoza?

A. Does he go by another name?

Q. Well, do you know anybody by the name of Alexander Mendoza?

A. I know somebody by the name of Mendoza. He has a taxi stand close to where I live. I used to ride his taxi all the time.

Q. Why were you riding his taxi all the time?

A. I wasn't going to walk. It's on the corner.

Mr. Richardson: I object to it. Why does anybody ride a taxi?

Mr. Soares: It's not why anybody rides. It's why this girl rides. It's cross-examination of a denial that she has been practicing her prostitution.

Mr. Richardson: Riding a cab doesn't prove prostitution.

Mr. Soares: But every prostitute that practices prostitution [32] rides a cab.

Mr. Richardson: If your Honor please, we say it is completely immaterial to the issues here.

The Court: I can't see the materiality.

Mr. Soares: I'd like to make an offer of proof, if your Honor please. Well, it is difficult on the reporter, I suppose. It wouldn't take me two minutes to say it, to make the offer.

The Court: I think that we had better let the jury be excused, then.

Mr. Soares: You want to let the jury go?

(Testimony of Sarah Lee Wright.)

The Court: Yes. You may be excused until called.

(Jury leaves courtroom at 2:05 p.m.)

Mr. Soares: I think the witness ought to be excused, too.

The Court: I don't follow you there.

Mr. Soares: I don't think the witness ought to hear what we propose to prove so that she can be prepared to deny it.

Mr. Richardson: If your Honor please, he is going to have to prove it by this witness. He is making an offer now. I never heard of a witness being excused on an offer of proof.

Mr. Soares: Well, I have seen it done a thousand times if it is done once, particularly where the offer comes with an adverse witness. I will have to make certain statements——

The Court: She is not an adverse witness. You haven't [33] made this witness your witness.

Mr. Soares: Well, she certainly is adverse to our side of the case.

The Court: Well, that doesn't make her an adverse witness.

Mr. Soares: Well, maybe the expression was unhappy, but she is adverse to our side of the case. She certainly is not helping us. I will make a formal motion that the witness be excused while I make an offer of proof.

The Court: Denied.

Mr. Soares: Save an exception. I offer to prove,

(Testimony of Sarah Lee Wright.)

if the Court please, that the persons heretofore named, and others whom I shall name in other questions, have been what are known in the underworld as "hustlers" for this girl in the practice of prostitution right down to date, from the time she left the Miner Lii home to this date. They include Mendoza, Chico Takashima, Charlie D. Young, Jerry Sugitama.

The Court: You haven't mentioned these heretofore.

Mr. Soares: This is an offer of proof. I mentioned one name because it was including each in a separate question.

The Court: You are making an offer of proof here before you have made any attempt to prove——

Mr. Richardson: The question concerned a taxicab. That's how the thing came up.

Mr. Soares: We asked her if she knew Mendoza, and she [34] hemmed and hawed about it.

The Court: Well, you discussed the name of Alexander Mendoza, and she said she knew a Mendoza.

Mr. Soares: Finally she said that and volunteered that she rode a taxi with him.

The Court: Yes.

Mr. Soares: And then we asked her why she rode the taxi. And I think that's the question to which they objected. And we are showing that she not only rode the taxi with him, but because he was going to deliver her to a customer.

The Witness: That isn't true. He is on the

(Testimony of Sarah Lee Wright.)

corner from my house. He used to drop me to a show once in a while, But he never delivered me nowhere.

The Court: Well, you keep out of it. You will get your chance later.

Mr. Soares: Well, that's the offer of proof, that these people have all hustled for her. In other words, they have procured for her. And this question is primarily, is preliminary to that situation.

Mr. Richardson: If your Honor please, he is not offering to prove anything. Mr. Soares here is making a statement.

Mr. Soares: I am saying in exact terms that I offer to prove by this witness, if she tells the truth, that these people have procured for her.

Mr. Richardson: I object to that "if she tells the truth." [35] He can cross-examine this witness if he wants to.

Mr. Soares: Well, I don't know——

The Court: For my part, I can't see whether the fact that she has continued in prostitution has anything to do with her credibility.

Mr. Soares: In other words, an admitted prostitute——

The Court: Is a credible witness.

Mr. Soares: ——is as credible as one who is a virtuous one?

The Court: We are drawing no comparison.

Mr. Soares: But we will when the proper time comes, if the Court please.

The Court: You may, as a matter of argument.

(Testimony of Sarah Lee Wright.)

Mr. Soares: And we have to argue only on a matter that is in evidence. And we certainly can show, if under no other authority, under the case what her morals are, so that the jury can determine her credibility.

The Court: She has already admitted her morals. That was before the jury.

Mr. Soares: Not in this particular connection. She has denied—she now attempts to present herself to the jury as a reformed prostitute. Now she says——

The Court: I haven't drawn that from it.

Mr. Soares: Pardon?

The Court: I haven't drawn that from her. The mere fact [36] that there may be a lull in her occupation——

Mr. Soares: That is one inference. Your Honor suggests that there is a lull. But she hasn't suggested that she gave up, and to take it up again.

The Court: Yes, I know, but I can't allow you to go ahead on just suppositions.

Mr. Soares: They aren't suppositions, if the Court please.

The Court: And conjectures. Now, she has admitted that she has been in the prostitution business. That's what she came here for. And she worked at that.

Mr. Soares: And that she stopped.

The Court: And she stopped.

Mr. Soares: Now, we want to show that she hasn't stopped.

(Testimony of Sarah Lee Wright.)

The Court: Well, she isn't prostituting just now. She isn't prostituting just now. She must have stopped.

Mr. Soares: She said she hasn't practiced it since she left Miner Lii's home.

The Court: Did you say that?

The Witness: Yes, sir.

Mr. Soares: That's why we are going into all this, to show that not only is she falsifying about that but that she is at the moment a confirmed prostitute and not worthy of credence.

The Court: That doesn't follow.

Mr. Soares: Pardon? [37]

The Court: That doesn't follow.

Mr. Soares: It doesn't follow absolutely but it is certainly a circumstance for the jury to have in mind while they are testing her credibility.

The Court: Well, go ahead with your offer of proof.

Mr. Soares: Well, briefly stated I offer to prove that she has continued to practice prostitution since she left the Miner Lii home on her own testimony, contrary to her evidence that she stopped it. And I expect to elicit that by asking these questions with reference to her relations with these different men.

The Court: Well, you are making an attempt, it seems to me, to twist this trial into a trial of a witness as to whether she is a practicing prostitute or not. I can't do that.

Mr. Soares: I am simply bringing before the jury the immoral character of this witness at the

(Testimony of Sarah Lee Wright.)

time that she is testifying so that they can judge of her credibility when the times comes for them to do that. And I think that the books are full of authorities for proving the moral character of a witness, moral conduct of a witness. The case that I recalled to mind because it is the most prominent one is the case.

The Court: You will have to prove that by some facts. You can't prove it by suspicion.

Mr. Soares: But we can't prove it all at one time, if [38] the Court please. This is the witness who knows best whether she is still practicing prostitution or not. And we are first trying to get it from her. And that is the question that is now before the Court. If she admits it, then, of course, the Court probably would not permit other evidence as being accumulative. If she denies it, I submit we still have the right to prove it so that the jury may have her character before it.

Mr. Richardson: If your Honor please, she admits that she has practiced prostitution. I object to this line of questioning on the further ground that what happened after she left Miner Lii's place isn't material at all here. These people are charged with an offense that occurred in October last year. After she came out here and worked as a prostitute—what happened later on when she left couldn't be material in this lawsuit.

The Court: Well, I am asking the witness now. Do you admit or deny that you practiced prostitution since you left the Lii's place?

(Testimony of Sarah Lee Wright.)

The Witness: I have not practiced prostitution.

The Court: All right. The witness says she has not. Do you wish to prove to the contrary?

Mr. Soares: Yes, if the Court please. And I want to cross-examine her on that statement.

The Court: All right. Call the jury in.

(Jury returns to the courtroom at 2:16 [39] p.m.)

The Court: The jury is in the box. The witness denies that she has practiced prostitution since she left the household of the Liis. Counsel for the defense wants to cross-examine her on that matter, and he may proceed.

Q. (By Mr. Soares): Have you ever left the Island of Oahu since you came here in October?

A. Yes.

Q. And where did you go? A. To Maui.

Q. Did you go to any other of the islands than Maui? A. No, sir.

Q. Weren't you on the Island of Kauai?

A. No, sir.

Q. And how many times have you been on the Island of Maui since October?

A. Since October?

Q. What's that?

A. I don't know the month I was over there.

The Court: Since October was the question.

A. I was only there only one time.

Q. Only once? A. Yes.

Q. And how long did you stay there?

(Testimony of Sarah Lee Wright.)

A. Two days. [40]

Q. And where did you stay?

A. With a friend.

Q. What are their names?

A. I forgot his name.

Q. What's that? A. I forgot his name.

Q. You forgot his name? A. Yes.

Q. In what town did you stay?

A. I don't know that. I was only there—I wasn't there long enough to find out.

Q. You what?

A. I wasn't there long enough. It was close to the airport.

Q. Close to the airport? A. Yes.

Q. Was it a plantation camp, do you know?

A. No, it was downtown in a very old Chinaman's house. A very old Chinaman lived there.

Q. And did a young Chinaman take you to Maui? A. No, he was already there.

Q. Who was already there?

A. A friend of mine.

Q. What's his name?

A. I asked him if he was going to go over. [41]

Q. What's the name of this friend of yours who was already there? A. Just a friend.

Q. What's that? A. It's just a friend.

Q. What's his name?

A. Do I have to answer that?

Q. Yes, I think so.

Mr. Richardson: I except, if the Court please.

Mr. Soares: She asked me.

(Testimony of Sarah Lee Wright.)

The Court: Answer it.

A. His name is Lum.

Q. (By Mr. Soares): And do you know his full name? A. No, sir.

Q. You know him only by the name of Lum?

A. Yes.

Q. Have you ever heard him called Lee Lum?

A. No.

Q. Who paid for your transportation to go to Maui? A. Myself.

Q. And when was it?

A. When did I go?

Q. Yes, when did you go?

A. I don't remember.

Q. How long ago? [42]

A. A long time ago.

Q. Can't you give us some idea whether it was a week, a month, six months?

A. It's been months.

Q. What's that? A. It's been months.

Q. And how did you go? A. I flew.

Q. What airline?

A. I don't remember the name.

Q. Where did you get the plane?

A. Honolulu. At the airport.

Q. The same airport that you landed from San Francisco? A. Yes.

Q. That's where you got the plane, from the same terminal? A. Yes.

Q. Do you know whether it was the Aloha Airlines?

Mr. Richardson: If your Honor please, what

(Testimony of Sarah Lee Wright.)

possible difference does it make what airlines she took to go there?

Mr. Soares: I can tell Counsel. Maybe if I tell Counsel what I expect to show, he can see the reason.

The Court: We will save more time by going through it.

Q. (By Mr. Soares): Was it the Aloha Airlines? [43] A. I think so. I am not sure.

Q. Can you tell us what month of the year it was? A. No, sir.

Q. Did anyone accompany you?

A. No, sir.

Q. Was it before or after you had been picked up by Shaffer? A. Before.

Q. Can you give us any idea how long before?

A. No, sir.

Q. This man Lum who you say was already over there, how long have you known him?

A. Ever since I left Mr. and Mrs. Lii's house.

Q. Since you left them? A. Yes.

Q. Do you know what his business is?

A. No.

Q. Have you seen him a few or many times since you left Lii's house?

A. Since I came back from over there? You mean since I came back from the other islands?

Q. No, altogether in your lifetime, have you seen him few or many times?

A. Not too many times.

Q. Well, about how many times? [44]

(Testimony of Sarah Lee Wright.)

A. Oh, gee, I don't know. I'd say every other time I'd go downtown.

Q. Do you know where he lives?

A. No, sir.

Q. Do you know anything about him at all?

A. I know he is always nice to me.

Q. That's all you know about him?

A. That's all I know.

Q. Did he give you money? A. No, sir.

Q. Do you know what his business is?

A. No, sir.

Q. Were you in his company very much?

A. Well, just to sit and talk like we, when we are sitting, like that.

Q. Well, I say, very much? A. Yes.

Q. Nearly every day? A. No.

Q. When you left the Lii home, where did you go to live?

A. 148 Nana Way. Nana, Nano, N-a-n-o, Way.

Q. And what part of town is that?

A. Waikiki.

Q. And how did you happen to go there? [45]

A. That's when I left Lii's house.

Q. What's that?

A. That's when I moved out of Lii's house.

Q. I say, how did you happen to pick this particular place?

A. I was looking for an apartment.

Q. And how did you find this?

A. In the paper.

Q. Is it an apartment house? A. Yes.

(Testimony of Sarah Lee Wright.)

Q. And you had an apartment of your own?

A. Yes.

Q. How much did it cost you?

A. Ninety-five.

Q. Ninety-five dollars a month? A. Yes.

Q. And where did you get the money?

A. I was sharing it.

Q. What's that?

A. Where did I get the money?

Q. Yes.

A. Well, I had a lot of it when I left Lii's house.

Q. What's that?

A. I had some of it when I left Lii's house.

Mr. Soares: May I have that? [46]

(The reporter read the last answer.)

Q. And are you living there now?

A. Yes.

Q. You are still living there? A. Yes.

Q. And you have been living there how long now?

A. Let's see—I moved out one month and I came back.

Q. You moved out one month from where?

A. From where I am living now. I don't know. I have been living there ever since I left his house. How many months is that? It's about six, seven months, six months.

Q. Is \$95 just the rent or does that include your food? A. My what?

Q. Does that include your food and other requirements or is it just rent? A. Just rent.

(Testimony of Sarah Lee Wright.)

Q. And how much have you been paying for your support outside of rent?

A. I don't know.

Q. Don't you know what it costs you to live?

A. Well, I mean I don't keep it marked down. I don't know.

Q. Have you any idea?

A. About five—oh, according to if I go to the show or not. [47]

Q. We will say on an average what do you spend for your upkeep either by the day, week or month?

A. I don't even know.

Q. You haven't any idea at all? A. No.

Q. You pay for your own upkeep, don't you?

A. Yes.

Q. Nobody is keeping you? A. No.

Q. It is your own money? A. Yes.

Q. And you don't know how much you spend a day to live on?

A. Oh, I'd say about three, four, five dollars. Not that much anyhow.

Q. Have you sent any money home?

A. I sent some when I was at Lii's house.

Q. What's that?

A. I sent some when I was at Lii's house.

Q. But since you left Lii's house?

A. No.

Q. Now, you say you were at Lii's house about seven weeks? A. Yes, sir.

Q. And you got there about the middle of October? [48] A. The ninth of October.

(Testimony of Sarah Lee Wright.)

Q. What's that? A. The ninth of October.

Q. The ninth of October? And you left before the end of November?

A. It was right before Thanksgiving.

Q. What's that?

A. It was around Thanksgiving.

Q. And you then have been living at 148 Nano Way from the end of November to the present time?

A. Yes, except one month.

Q. And where did you live that month?

A. Isenberg.

Q. What's that? A. Isenberg.

Q. Do you know the number there?

A. 606.

Q. What's that? A. 606.

Q. Who else was living there? Who else was living there while you were living there, if anyone?

A. I was living by myself.

Q. What's that? A. By myself.

Q. What kind of a place is 606 Isenberg, a cottage, [59] apartment or what?

A. It's just a house by itself.

Q. A complete house? A. Yes.

Q. How many rooms?

A. Well, you've got two downstairs and four upstairs.

Q. Two downstairs and four upstairs?

A. Yes.

Q. You rented a 2-story house on Isenberg Road to live by yourself?

A. I was going to live by myself.

(Testimony of Sarah Lee Wright.)

Q. What's that?

A. I wasn't going to live by myself when I got it.

Q. Who was going to live with you?

A. The girl friend who was sharing the apartment.

Q. What's her name?

A. Do I have to give her name?

The Court: Oh, yes.

A. Betty Evans, Mrs. Evans.

Q. Babe? A. Betty Evans.

Q. Where is Betty Evans now?

A. She went to the mainland three days ago to see her husband.

Q. While she was living with you in the apartment, [50] what was her business?

A. She was working for a while as a taxi dancer.

Q. She wasn't prostituting? A. No.

Q. You know that? A. Yes.

Q. How much rent did you have to pay for this 2-story, 5-bedroom house?

A. One hundred twenty.

Q. A month? A. Yes.

Q. Was there any reason for your leaving the \$95 apartment to go into \$120, into a \$120 house?

A. Yes, we were going to share it because it had a bigger place for the baby and it wasn't as dusty as the other place.

Q. Who found the place on Isenberg for you?

A. I found it myself.

Q. How did you find it?

A. I went looking.

(Testimony of Sarah Lee Wright.)

Q. What is the name of the apartment house on Nano Road, if it does have a name?

A. It hasn't got a name.

Q. Now, since you left Miner Lii's home, have you lived anywhere else except at 148 Nano Road and 606 Isenberg? [51]

A. Yes, because right after we left this house we stayed about two or three days in a hotel. I stayed there.

Q. Well, now, I understood you to say "we." Did you mean that or did you go alone?

A. Myself. Was it the Queen's Hotel, next to the hospital?

Q. What's that? A. Queen's Hotel.

Q. The Queen's Hotel?

A. I think that's it. Next to the hospital.

Q. You moved from Miner Lii's to the Queen's Hotel? A. Yes.

Q. And stayed there three days?

A. Yes, something like that.

Q. And then went to 148 Nano? A. Yes.

Q. And how long did you stay at Nano Road before you went to Isenberg?

A. About three, four months.

Q. What's that?

A. Three or four months.

Q. And then you went to 606 Isenberg and stayed there one month? A. Yes.

Q. And then you went back to 148 Nano? [52]

A. Yes.

Q. And stayed there up to the present time?

(Testimony of Sarah Lee Wright.)

A. Yes.

Q. You haven't lived in any other places?

A. No, sir.

Q. Do you know the Comstock apartment hotel?

A. No, sir.

Q. That is 313 Royal Hawaiian Avenue?

A. No, sir.

Q. Do you know anybody by the name of Louis?

The Court: Well, now, this is not cross-examination.

Mr. Soares: It goes to her credibility and what she has been doing, if the Court please, and it is in connection with her trip to one of the other islands.

Mr. Richardson: If your Honor please, I don't want to keep objecting all the time. I understood that the Court ruled that he could proceed on this line of questioning. I want to make a general objection to this entire line of questioning for the reason that anything that happened after she left the Liis is not material here at all. What these Defendants are charged with occurred in October of last year, and what happened after she left the Liis we say is not material in any sense.

Mr. Soares: We say it is material as to her credibility and to assist the jury in judging her incredibility, if the [53] Court please. It is in connection with part of the things that I said while the jury was absent as to the offer of proof. And this particular name is tied up.

The Court: You may go ahead with that, but

(Testimony of Sarah Lee Wright.)

you are going so far afield that it is just simply killing time.

Mr. Soares: If the Court please, we are confronted with a witness who already has shown herself to be wise far beyond her years and has shown herself——

The Court: You are making an argument here now.

Mr. Soares: Of course, I am making an argument. I am trying to argue, to show to your Honor why this question is material. One just doesn't make a statement without supporting it by argument.

The Court: Now, what is it that you are trying to get at now?

Mr. Soares: I am trying—this name should call her attention to circumstances under which she travelled to the other islands, if the Court please.

The Court: Well, she admits going to Maui one time.

Mr. Soares: Well, we are not accepting that as final, if the Court please, by any manner or means.

The Court: Then put your finger on something; if you want to show that she went to another island, call her attention to it.

Mr. Soares: Well, this is the first finger of the hand [54] that we are putting on her, and we expect, if permitted, to close the grasp on her to show that she hasn't been telling the truth and that she has been practicing prostitution——

Mr. Richardson: If Mr. Soares wants to argue this thing, let the jury step out.

(Testimony of Sarah Lee Wright.)

Mr. Soares: We have to have something to argue on, and we have to have testimony.

The Court: What is your question now?

(The reporter read the last question.)

A. No, I don't.

The Court: Well, now, there are just so many Louises in the world or people of that name that that is not a fair question unless——

Mr. Soares: Well, I except to the Court's remarks to the question as "unfair," especially after it has been answered.

The Court: I am characterizing the question that you asked, the nature of it.

Mr. Soares: And I take exception to the Court's characterization of that question in the presence of the jury, for we insist that it is wholly unfounded. We cannot—that is the only name we know this man by.

The Court: Well, why don't you identify the man in some other way, then?

Mr. Soares: Well, I can only ask one question at a time.

The Court: You asked for a person named [55] Louis.

Mr. Soares: Yes.

The Court: Well, without any identification as to what Louis. I remarked that there are so many people in the world named Louis that I should doubt if anyone in this room who doesn't know someone named Louis.

(Testimony of Sarah Lee Wright.)

Mr. Soares: Except the witness. She doesn't. She has already said she doesn't. But, if the Court please, the necessity for this question is illustrated by what happened in connection with Lum. I asked her if she knew a man by the name of Lee Lum, and she flatly said no. It later developed that she did know a man simply by the name of Lum without any other name. And so, anticipating that she might know a Louis, this Louis, without recognizing his full name, I have simply asked her if she knows Louis by the single name of Louis, in the same manner, whether she knew Lum by the single name of Lum.

The Court: She answered that she didn't. Now, go on from there.

Q. (By Mr. Soares): Were you ever on the Island of Kauai? A. No, sir.

Mr. Richardson: She answered that, if your Honor please. This is going back over this again, time and time again.

The Court: We know that she has answered that before and she said No. That would suffice. [56]

Q. (By Mr. Soares): Have you always gone by the name of Sarah Wright?

A. That is my right name and I have always went by it.

Q. Have you ever used any other name?

A. No, sir.

Q. Haven't you ever gone by the name of Sarah Lee? A. That's my middle name.

(Testimony of Sarah Lee Wright.)

Q. You go by your middle name, just Sarah Lee, rather than Sarah Wright?

A. That's what everybody calls me, Sarah Lee.

Q. I am asking you if you have ever gone——

A. It's my name. I should——

Q. All right. Who got the ticket when you went over to Maui? A. I did.

Q. And did you go under the name of Sarah Wright? A. Yes.

Q. Or Sarah Lee Wright?

A. I don't remember.

Q. And where did you get the ticket?

A. The airport.

Q. Didn't you know anybody else who was on that plane?

A. I didn't know anyone on that plane.

Q. Did Lum meet you at the airport over on Maui? A. Yes, because I asked him to. [57]

Q. When did you ask him to?

A. Oh, I asked him about—a long time ago, because, sec, I was figuring on going back home and I asked him if he ever went to the other islands to let me know; I'd like to see the other islands before I go home. So he told me he was leaving and he just happened to think when he got aboard the plane and he called me early one morning and he said, I'm going over, if you want to go——

Mr. Richardson: Miss Wright, would you speak a little louder? I'm afraid the jury can't hear you.

A. (Continuing): ——so I went over.

Q. (By Mr. Soares): Pardon?

(Testimony of Sarah Lee Wright.)

A. So I went over.

Q. Well, we haven't heard it. Will you repeat loud enough so we can hear it?

A. I told him I had wanted to go see the other islands, and if he ever went to one of the other islands to let me know. So one day he left and called me up and said if I'd like to come, to come over. So I'd like to have a definite day so he could be there to meet me. And I went over.

Q. Where did this conversation take place between you and Lum? A. At first?

Q. Yes, when you told him that you would like to go over some time and to tell you a definite [58] day?

A. I don't remember. It was by telephone or downtown.

Q. And how did you inform him of the time that you were coming over?

A. Well, he was going to go over and I told him I'd come over the next day if he didn't mind.

Q. How did you let him know that you were on the particular plane which he met?

A. I told him I was on it.

Q. How did you tell him?

A. Because he told me he was going to go, so that's when I told him: I want to tell you definitely when I am coming, so I want you to meet me because I don't know anyone over there.

Q. Before Lum went over to Maui he told you he was going? A. Yes.

(Testimony of Sarah Lee Wright.)

Q. Prior to that, you and he had discussed your wanting to go to one of the other islands?

A. I wanted to go to all of the other islands.

Q. But you didn't get around to it?

A. No.

Q. You only went to Maui? A. Yes.

Q. And so he left ahead of you?

A. Yes. [59]

Q. When he left Honolulu, did he know when you were going to Maui?

A. Yes, I told him to watch for me on the next day.

Q. You told him to watch for you on the next day? A. Yes.

Q. So he went the day before you went?

A. Yes.

Q. Did you see him go off? A. No.

Q. Where were you when you told him to watch for you the next day?

Mr. Richardson: If your Honor please, I am forced to object to these questions again. This thing is just not getting us anywhere.

Mr. Soares: From our standpoint we are making pretty good progress, from our viewpoint. Of course, I can't argue the matter now, but it must be unfolding itself. Certainly if counsel were the defense counsel he would understand what we are getting at.

Mr. Richardson: We submit it is all immaterial as to the issues involved here.

Mr. Soares: Well, I submit it is very material to this whole case.

(Testimony of Sarah Lee Wright.)

The Court: Well, you may go ahead for a while.
Limit it to cross-examination. [60]

Mr. Soares: May I have the last question?

(The reporter read the last question.)

A. Downtown.

Q. Where at downtown?

A. I think it was Yuki's Cafe?

Q. What cafe? A. Yuki's.

Q. I'd like to know the name of this cafe.

A. Y-u-k-i.

Q. Where is that?

A. The only thing I know is it is next to the
Brown Derby.

Q. What's that?

A. The only thing I know, it's the same block,
next to the Brown Derby.

Q. You mean to say you have been here since
October and you don't know the name of the street
in which the Brown Derby and Yuki's Cafe is?

A. I wouldn't swear to that.

Mr. Richardson: A question of that sort doesn't
lead up to anything.

Mr. Soares: It does lead up—that this witness
is an evasive witness. It is incomprehensible that a
girl should have been here since October and not
know Nuuanu Avenue as the name of a street where
a prominent cafe is, or a night spot, [61] or what-
ever you may call it, like the Brown Derby, where
it is located. I am sure that we have a right to
inquire into that.

(Testimony of Sarah Lee Wright.)

Mr. Richardson: If your Honor please, he doesn't know where Yuki's is.

Mr. Soares: Sure, because I don't visit those spots. This lady does.

Mr. Richardson: This is an argument, if your Honor please. We are not getting anywhere on that.

The Court: Go ahead. What was the last question?

(The reporter read the last question and answer.)

Q. (By Mr. Soares): Well, the day that Lum was leaving for Maui, you told him to watch for you the next day, is that right? A. Yes, sir.

Q. Is that all you told him about your going?

A. Yes, sir.

Q. Nothing else? A. No.

Q. Did he tell you what his plans for you were?

A. No.

Q. And you stayed on Maui how long?

A. Two days.

Q. How many? A. Two days. [62]

Q. How many nights? A. Two nights.

Q. Two nights? A. Yes.

Q. And did you stay both those nights at the home of this old Chinaman near the airport?

A. No.

Q. How many nights did you stay there?

A. One.

Q. And where did you stay the other night?

A. In jail.

Q. Where? A. In jail.

(Testimony of Sarah Lee Wright.)

Q. In jail? For what?

A. Suspicion of prostitution.

Q. Did they put any charge against you?

A. No.

Q. Did you put up any bail? A. No.

Q. Did they float you out of town, is that it?

A. Well, yes, I guess they did.

Q. So you were just a tourist who had given up prostitution since October? The first or second day you were on Maui the police pick you up on suspicion of prostitution, is that right? [63]

A. Yes, the people whom I went over there with, they had it in for.

Q. What's that?

A. It was the people that I was over there with that they had it in for, that I didn't know.

Mr. Richardson: Would the Court instruct the witness that when an objection is made, to be quiet. I object to the question on the grounds that it is argumentative.

The Court: Well, I think she was speaking first, and she was explaining the circumstances, I take it.

Q. (By Mr. Soares): Who were these people you were with? A. I told you before.

Q. Who? Tell me again.

A. You mean who I went over there with?

Q. Yes, whom did you go there with?

A. Well, as I told you before, Lum met me over there.

Q. Whom did you go over with?

A. I didn't go over with him. I met him there.

(Testimony of Sarah Lee Wright.)

They don't like him over there. That isn't my fault. And just because I am a haole, they thought that——

Q. No charge was placed against you?

A. No.

Q. Isn't it true that you were charged with prostitution and that bail was put up and that you forfeited bail? [64] A. No.

Q. Where were you picked up?

A. They come and got me out of the old man's house.

Q. What time?

A. Oh, about two o'clock in the afternoon.

Q. What time had you arrived there?

A. I think I got there in the afternoon. I'm not too sure if I left in the morning or evening.

Q. And did they pick you up the same day you arrived? A. No.

Q. Who else, if anyone, was there when they picked you up in the old man's house?

A. With a fellow that met me over there.

Q. What's his name? A. Lum.

Q. Do you know his full name? A. No.

Q. And who else?

A. And the old man who owned the house.

Q. And anybody else? A. No.

Q. Did they pick up anybody else but you, the police, and take you to the police station?

A. Yes.

Q. Who else? [65]

(Testimony of Sarah Lee Wright.)

A. They took them, too.

Q. Who?

A. They took the two men, Lum and the old——

Q. The two men and you? A. Yes.

Q. Do you know whether Lum was charged?

A. No, none of us was charged.

Q. You were kept in jail all night?

A. Yes.

Q. Was Lum kept in jail all night?

A. Yes.

Q. Who took you to the airplane the next day?

A. The vice squad.

Q. What? A. The man in the vice squad.

Q. They made sure you left the island?

A. No, because they didn't exactly make sure; because they didn't think they had enough room on the plane for us, so they wanted to take us down to be sure.

Q. They weren't trying to make sure you left the island, but they——

A. I guess they were at that, too.

Q. Did Lum come back on that same plane?

A. Yes.

Q. Now, have you been picked up any other time since [66] you left Lii's house? A. No.

Q. And all the time that you lived with Mr. and Mrs. Lii you were never picked up on suspicion of prostitution, were you?

A. How could I? They would hardly let me out of the house, on the sidewalk.

Q. What did they do, chain you?

(Testimony of Sarah Lee Wright.)

A. Almost.

Q. What do you mean by "almost"?

A. I mean, we went downtown, but one of them was awfully close to us.

Q. Well, now, have you ever been in Salinas?

A. California?

Q. Yes, California, or any other Salinas that you know?

A. No, I have never been in Salinas. I think I went through there one time on a bus.

Q. Have you ever been in Stockton?

A. Only through there.

Q. Never stopped over? A. No.

Q. Or on the outskirts? A. No.

Q. Do you know what kind of people live in Salinas? What is the principal work down [67] there? A. No, I don't.

Q. Do you know where the lettuce fields are?

A. Of course not. I went through on a bus.

Mr. Richardson: I object to this, if your Honor please.

The Court: The objection is sustained.

Mr. Soares: Save an exception.

Q. Have you ever been convicted at any time of any offense? A. No, sir.

Q. Never in your life?

A. Never in my life.

Q. Were you ever in New Orleans?

A. I lived there for five years.

Q. You weren't convicted while you were there?

A. I never worked there.

(Testimony of Sarah Lee Wright.)

Q. Where have you ever worked besides Honolulu? A. Right here in Honolulu.

Q. No other place? A. No other place.

Q. You were a virgin when you came to Honolulu? A. Maybe.

Q. Well, tell me frankly whether you were or not? A. No, I wasn't.

The Court: That's objected to. We will take a recess now. [68]

(A short recess was taken.)

Q. (By Mr. Soares): Did I understand you correctly to say that the only people that the police took down when you were picked up in Maui were you, Lum and the old Chinaman? A. Yes, sir.

Q. And the old Chinaman lived at that place, is that right? A. Yes, sir.

Q. Are you sure there was nobody else picked up at the same time? A. No, sir.

Q. Did you meet any Filipino in that house?

A. No.

Q. And would you deny that you had sexual intercourse with a Filipino over on Maui on that occasion?

A. I told them at the police station I did, because I wanted to come back to this island.

Q. You did tell them that you had?

A. Yes.

Q. But you lied?

A. Yes, because otherwise they'd keep me over there longer.

Q. Did they force you? [69] A. No.

(Testimony of Sarah Lee Wright.)

Q. Well, what made you think that if you told the Maui police that you had had sexual intercourse with a Filipino that they would let you go?

A. Because they kept asking me and I kept telling them I wasn't working, which was the truth. They thought I had went to the camps, and I told them I hadn't. So they kept me there that day and that night, and the next day I said, Yes, I did. And then they let me go.

Q. You say they kept you that day and that night? You mean from two o'clock? A. Yes.

Q. And what time did they let you go?

A. The next afternoon.

Q. Next afternoon? Weren't you in court at all?

A. No, sir.

Q. You never were in court of Judge Wong, the District Magistrate of Wailuku? A. No, sir.

Q. And you deny that you pled guilty before Judge Wong in the District Court? Just a minute until you hear the question. You are too anxious to deny. Will you deny that you pled guilty before Judge Wong in his courtroom of the District Court in Wailuku and that you were given a suspended sentence on condition that you would leave [70] Maui? A. No, because I did not go to court.

Q. You didn't go in court at all?

A. The only thing I did was talk to the vice squad.

Q. Did you talk to the prosecutor over there?

A. I talked to some other man. I think he was

(Testimony of Sarah Lee Wright.)

in the vice squad, the chief of vice squad, something like that, but no judge.

Q. But you were never in the courtroom?

A. No, sir.

Q. Did you have a lawyer over there?

A. No, sir.

Q. Did they give you the name of the Filipino that they claimed you had intercourse with?

A. No, sir.

Q. Did you see any Filipino that they claimed you had intercourse with? A. No, sir.

Q. Do you know a man by the name of Harold Lewis? A. Not that I recall.

Q. Who plays in a band, has a band?

A. No.

Q. You say you spent some time at the Queen's Hotel after you left the Miner Lii home?

A. Was that the Queen's?

Q. Didn't you say that? [71]

A. It's next to the hospital. I think the name of it is Queen's.

Q. Isn't that the name you used, Queen's Hotel?

A. Yes, I only spent about three days there.

Q. What? A. Three days.

Q. Two days? A. Two or three.

Mr. Richardson: Just a little bit louder.

The Court: That's all been gone over, Counsel. Don't go over it again.

Q. (By Mr. Soares): Did you register in your own name? A. No, I used someone else's.

Q. Whose name did you use?

(Testimony of Sarah Lee Wright.)

A. Sampson.

Q. Francisco Sampson, Frank Sampson?

A. Frank Sampson.

Q. And you registered as Mr. and Mrs. Frank Sampson? A. Yes.

Q. Who was with you?

A. Well, he was for a while, but not too long.

Q. Who was with you?

A. Frank Sampson.

Q. Do you know a young fellow by the name of Babe? [72] A. That's the same one.

Q. He is going to be a witness in this case, isn't he? That's the same one who has been hanging around here? A. I think so.

Q. Well, didn't you go down the elevator with him?

A. I don't know whether he's going to be a witness or not.

Mr. Richardson: That has nothing to do with this case whether he is going to be a witness. She doesn't know whether he is going to be a witness or not. That's up to me.

Mr. Soares: Well, whom am I arguing with, the witness or counsel?

The Court: Well, you shouldn't be arguing.

Mr. Soares: I am trying to avoid that.

The Court: She says she doesn't know whether he is going to be a witness or not.

Q. (By Mr. Soares): Didn't Mr. Richardson question you and this man that you call Frank Sampson together about the facts of this case?

(Testimony of Sarah Lee Wright.)

A. No.

Mr. Richardson: I object to that, if your Honor please. It is an improper question to ask the witness whether or not the prosecution has interviewed——

Mr. Soares: It would be improper except for the fact [73] that she wouldn't know whether he is going to be a witness or not.

The Court: Well, there is just so much of this so-called cross-examination that it seems to me it is just a sort of a fishing excursion. Counsel, I don't feel that it would be proper to give you any more than ten minutes' additional time to finish your cross-examination.

Mr. Soares: Well, I certainly will expect more than ten minutes, if the Court please. We have only gotten on one phase of her testimony.

The Court: Well, you had better get on another phase, then, if it is of importance to you.

Mr. Soares: Well, I will save an exception to the prejudicial remarks of the Court that I had better do that, this and that, and that it is so-called cross-examination, and that I can have only ten minutes to get on all the other phases. I assign those remarks as error and save an exception.

Q. Did Frank Sampson go by any other name?

A. No.

Q. Is this the same Frank Sampson who you say carried you to the airport? A. Yes.

Q. In San Francisco? A. Yes.

(Testimony of Sarah Lee Wright.)

Q. Do you know a boy by the name of Babe Blanco? [74]

A. That's his stepfather. A lot of people think he's a Blanco, but he isn't. He's Sampson.

Q. Do you know anybody by the name of—who goes by the name of Babe Blanco?

A. I know Babe Sampson. A lot of people think he is a Blanco. He doesn't go by that name.

Q. Have you ever known him to use the name of Babe Blanco? A. No.

Q. I will ask you if he went in the elevator with you this morning after the recess sporting a tie with a great, big initial "B" on it?

A. That's right.

Mr. Richardson: I object to it, your Honor. It doesn't make any difference what sort of a tie he had.

Mr. Soares: After all, circumstantial evidence is as available to the defendants as to the prosecution, and we are laying the foundation for arguing later that this woman is entirely not to be believed in any particular, even on so simple a matter of whether this boy goes by the name of Babe Blanco or not. She tries to avoid all that. It is very material, the circumstances to show that she is not telling the truth in any respect.

Mr. Richardson: I further object to all these remarks in front of the jury. [75]

The Witness: May I explain something?

The Court: Well, you had better proceed with your cross-examination.

(Testimony of Sarah Lee Wright.)

Q. (By Mr. Soares): How long after you came to Honolulu did you meet up with Babe?

A. He came over here not too long after I came.

Q. How long?

A. I don't quite remember.

Q. Can't you give us any idea how long it was before you saw him in Honolulu after he put you on the airplane?

A. I imagine about three weeks.

—Q. At the airport? You were still living at Miner Lii's? A. Yes.

Q. Now, do you know when it was that you first met Mrs. Lii? A. In San Francisco.

Q. When was it?

A. The same time I met Mr. Lii.

Q. What's that?

A. The same time I met Mr. Lii, about——

Q. When was it?

A. ——about four days before I come over here in October.

Q. What's that? [76]

A. Around the 5th of October.

Q. And where did you first meet him?

A. In the car.

Q. Whose car?

A. It belonged to some girl that the guy was going with and introduced me to Miner.

Q. Who was driving the car?

A. I think he was. Anyhow, he was behind the wheel when I sat down in it.

(Testimony of Sarah Lee Wright.)

Q. Is that the time you say that you had a coke at the bar and then went out to the car?

A. Yes, sir.

Q. And that was the first time you ever met either one of these people? A. Yes.

Q. Who got to that bar first on that occasion, you or Miner Lii?

A. When I first saw Miner Lii, I was going in the bar. He was coming up the street.

Q. You what? What's the last?

A. I say, when I went up into the bar, he was coming up the street, and I was going in. I don't know if he had been in there before or not.

Q. You walked into the bar ahead of Miner, then?

A. Yes, because that's when I got introduced to him. [77]

Q. Who introduced you? A. A friend.

Q. What's the friend's name?

A. Junior.

Q. What? A. Junior.

Q. Who is Junior? A. Junior Sampson.

Q. Is that Frank Sampson's brother?

A. Yes.

Q. And just what did Junior say to you when he introduced you to Miner Lii?

A. He just said, "This is Miner Lii," and "He wants to talk to you." So I says, "What about?" He says, "Maybe about going to Honolulu."

Q. Junior told you all that?

A. That's what he told me.

(Testimony of Sarah Lee Wright.)

Q. Do you know how Miner Lii knew about you?

A. Well, no. From what Junior told me, he came over there looking for girls to bring back over here.

Q. Was Miner or Mrs. Lii there at the time he told you that? A. No.

Mr. Soares: I move that that be stricken, what Junior is supposed to have told her not in the presence of the [78] Defendants, either of the Defendants.

The Court: It may be stricken.

Q. (By Mr. Soares): So that the first time you met Miner Lii, you had been told that he was looking for girls to come to Honolulu? A. Yes.

Q. And you knew for what purpose?

A. I didn't until I talked to him.

Q. Then Junior introduced you and said, "This is Miner Lii," is that right? A. Yes.

Q. And then, will you give us the conversation and the order in which it occurred from there on?

A. Then I met him. Then I went into the bar after I met Mr. Lii and I was drinking a coke. And Junior come and got me and says——

Q. Never mind what Junior says, unless Miner or Mrs. Lii were there.

A. They wanted to talk to me in the car. So then I went out into the car and I sat down. And so we started to talk.

Q. Where did you sit in the car?

A. In the front seat.

(Testimony of Sarah Lee Wright.)

Q. And who else, if anyone, was in the front seat?

A. Junior Sampson was behind the driver's seat. [79]

Q. Junior Sampson was in the driver's seat?

A. Yes.

Q. Who else?

A. And Mr. and Mrs. Lii was in the back.

Q. Now, will you tell us the conversation that took place in the car, telling us who was speaking and what they said in the order in which it was said?

A. Well, I sat down in the car and so I turned around and I says, "Are you the ones that want to see me?"

Q. Just a little bit louder.

A. And they said, "Yes." So I says—oh, then they said, "Would you like to go to Honolulu?"

Q. They said what?

A. "Would you like to go to Honolulu?" So I said, "Yes, I always wanted to go." So then they told me that they had a house over here where I could work, and they told me how much they were getting, and told me that they had steady business.

Q. They had what?

A. Steady business, all local business, all local business; and told me how they took half; to stay there and eat there and they'd take half the money; and told me what the price and everything was.

Mr. Soares: May I have that last?

(The reporter read the last answer.) [80]

(Testimony of Sarah Lee Wright.)

Q. And what was the price?

A. Twelve dollars.

Q. Twelve dollars, did you say? A. Yes.

Q. Was that all they told you at that time?

A. No. Then I said, well——

Q. No, I mean, is that all that Mr. or Mrs. Lii told you at that time, at that particular part of the conversation?

A. It is the same time that I told them I was broke and I couldn't go, the only reason I couldn't go. And they said, that was quite all right, they'd buy my ticket.

Q. Just a minute, please. After they gave you all these details and told you what the proposition was, you said you were broke and couldn't go, is that right? A. That's right.

Q. And then they said they'd get you the ticket?

A. That's right.

Q. Then what happened?

A. So then I told them I would think it over and let them know in a couple of days.

Q. And was that the end of the conversation then? A. At that present time, yes.

Q. Did you make any arrangements as to where you were to meet them?

A. No. When I left I said, "Between now and then I will [81] probably see you around the bar."

Q. Now, have you told us everything that happened on this first occasion? A. Yes.

Q. Talking about the first day? A. Yes.

Q. Now, when did you meet any of them next?

(Testimony of Sarah Lee Wright.)

A. I saw them the next day in the bar, but we didn't have too much to say.

Q. Did you say anything to either of them?

A. No. "Hello" and that's all.

Q. And then when did you next see them?

A. Oh, then I saw them the next day around the corner in a restaurant, just Alice, and she was asking me if I made up my mind yet, and I told her I'd let her know the next day.

Q. Is that all of the conversation then?

A. That day, yes.

Q. And then when did you next see either of them?

A. The next day I told them I was going to go.

Q. Is that all the conversation you had with them? You told them you were willing to go?

A. Oh, no, the same day I told them I was going to go, she said, she tried to get reservations on this smaller plane.

Q. On what?

A. On a different air company, the cheap kind, the one [82] you have to pay about a hundred.

Q. I can't hear you.

A. I don't know the name of the plane but anyhow I told her to call Pan-American because you can always get Pan-American. That's when we were across the street when we called.

Q. It was across the street, you say.

A. Yes.

Q. You mean across the street to use the telephone, not that the office was across the street?

(Testimony of Sarah Lee Wright.)

A. Yes. No, there was a telephone booth across the street so she went over there.

Q. Who went to the telephone?

A. All three of us.

Q. Who used the telephone? A. Alice.

Q. You say there's a telephone booth? You mean a public booth? A. Yes.

Q. How big a booth was that?

A. It's big enough for both of us.

Q. Is it different from the usual telephone booth in San Francisco?

A. No, but two can get in it.

Q. Is it any different from the usual telephone booth in San Francisco? [83] A. No.

Q. And you both were in the telephone booth?

A. Yes.

Q. Is it one of those affairs where you have to shut the door before the light goes on?

A. I don't recall. We didn't shut the door.

Q. And the light went on?

A. I wouldn't know. No one shut the door.

Q. And how many of you were in that telephone booth then?

A. Alice and I. Miner Lii was standing outside.

Q. So you were right there inside the telephone booth with the doors closed while Alice telephoned?

A. The door was open.

Q. They didn't close it?

A. No, we didn't close the door.

Q. What was it you said just a little while ago about the doors closed?

(Testimony of Sarah Lee Wright.)

The Court: She didn't say that.

Mr. Soares: May I have that?

(The reporter read previous questions and answers referred to.)

Q. (By Mr. Soares): And then Alice in your hearing made arrangements for a ticket by Pan-American? [84] A. Yes.

Q. Did she mention your name over the telephone?

A. Yes. That's why I had to get in the telephone booth real close so I can tell her my name.

Q. She didn't know your name?

A. Not the last name, no.

Q. And how long after that was it that you came to Honolulu?

A. I can't be sure if that was on a Saturday or Sunday she made the reservation.

Q. Well, what I mean is, how many days after the date that she telephoned did you actually get on the plane?

A. Well, that's why I just said I can't remember whether it was Saturday or Sunday that she made the reservation, so I don't remember.

Q. I asked you, what day of the week; one day after you were in the telephone booth?

A. Two days, I suppose.

Q. How many?

A. Two days. I'm not sure.

Q. Two days after that?

A. I'm not sure. One day or two days.

(Testimony of Sarah Lee Wright.)

Q. It may have been the next day?

A. It could have been; it could have been two days.

Q. It wasn't more than two days? [85]

A. No.

Q. Now, I understood you to say in answer to Mr. Richardson's questions that you were going to stay with Mr. and Mrs. Lii in their home?

A. Yes.

Q. That was the arrangement? A. Yes.

Q. Did you inquire about them, where their home was, or anything about it?

A. They just said "Honolulu."

Q. They didn't tell you what part of town or the address or anything? A. No.

Q. Now, who occupied the seat with you on the plane coming over? A. Well, no one.

Q. Did Mr. and Mrs. Lii sit next to each other?

A. Yes.

Q. On the plane? Was there anybody else on that plane whom you knew?

A. Only my girl friend Mary Chang.

Q. How long had you known Mary Chang?

A. About six months.

Q. What? A. About six months. [86]

Q. Did you tell her you were coming over to Honolulu? A. Well, yes.

Q. When did you first tell Mary Chang you were coming to Honolulu?

A. When I let Mr. and Mrs. Lii know.

(Testimony of Sarah Lee Wright.)

Q. Was she there at the same time or did you have to look her up?

A. Oh, no. She came over to my house before—she came over to my house about every day and she stayed all night in my house once in a while.

Q. You have been good friends? A. Yes.

Q. Do you owe her some money? A. No.

Q. Did Mary go down to the airport in the same car that you went down? A. Yes.

Q. Did you know that Mary was coming to Honolulu before you saw her on the plane?

A. Well, she wasn't supposed to go.

Q. So you didn't know before you saw her on the plane, is that right?

A. I knew when they bought her ticket that she was going.

Q. Was that the same day that they bought your ticket? [87]

A. I don't know. They called up and got my ticket, and they went down and picked it up. I wasn't with them then. They bought her ticket just when the plane was getting ready to leave.

Q. So she hadn't told you she was coming to Honolulu?

A. She didn't mention, she didn't think she was coming.

Q. What?

A. She didn't think she was coming.

Mr. Soares: No further questions.

Mr. Richardson: That's all, Miss Wright.

The Court: You are excused.

(Witness excused.)

The Court: Call your next witness.

Mr. Richardson: Call Mr. Velazquez.

EDWARD GEORGE VELAZQUEZ

a witness on behalf of the Plaintiff, being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you state your full name, please, sir?

A. Edward George Velazquez, V-e-l-a-z-q-u-e-z.

Q. Mr. Velazquez, what position do you hold?

A. I am senior cashier for Pan-American Airways in San Francisco. [88]

Q. In the San Francisco office? A. Yes.

Q. Mr. Velazquez, will you tell the Court and gentlemen of the jury what procedure is used when tickets are purchased there at your office, and what forms are in general use there?

A. The general procedure when a ticket is purchased at the district sales office in San Francisco is as follows: The passenger or the purchaser will give the clerk at the counter his sum of money to pay for the ticket, and the clerk at the counter will send it to the cashier in a pneumatic tube system. The cashier then receives the money, makes the change, and sends it back to the clerk at the counter.

Q. Does the cashier make a notation when they

(Testimony of Edward George Velazquez.)

receive money showing that money received for certain tickets?

A. Every cash transaction is accompanied by what we call a cash slip. This cash slip states on it how much cash has been received and the amount of the sale and whether any change is due, and the cashier who has concluded the sale then puts his initials on the cash slips and makes other pertinent remarks.

Q. Now, Mr. Velazquez, when a passenger buys a ticket, does the clerk who actually issues the ticket, do they put the name of the passenger on the ticket? A. That's correct, they do.

Q. And, then, is a portion of the ticket given to the [89] passenger?

A. The Pan-American ticket is composed of several sections, one of them being what is commonly referred to as the flight coupon. The flight coupon and the cover of the ticket are given to the passenger. There are also carbonized portions to that ticket, one of them being an auditor's coupon; another being a clearance house coupon; and a third being an agent's coupon, which is the file copy for our office.

Q. And the original of the ticket, you say that is made out in several sections to the passenger, is that correct? A. That's correct.

Q. Mr. Velazquez, I will hand you two carbon copies of tickets and ask you if you can identify those?

A. I have two agent's coupons here which are

(Testimony of Edward George Velazquez.)

the carbonized coupons of the tickets, form 261P-463792 and 261P-463793.

Q. Now, you are reading the serial numbers on the tickets, are you not?

A. Those are the accountable serial numbers on those tickets. Those are in sequence.

Q. Does one follow right after the other?

A. That's correct.

Q. Does that indicate to you that those tickets were sold at the same time? [90]

A. The presumption would be in that case because there is also a validation stamp on these tickets, the validation date being October 7th for the two of them.

Q. Now, what names do those tickets show for the passengers who travelled on them?

A. Ticket 261P-463792 shows the name of Miner Lii and Alice Lii, and ticket 261P-463793 shows the name of Sarah Lee Wright.

Q. What date do those tickets bear?

A. They bear the validation date of October 7th.

Q. Does that mean the date the tickets were purchased?

A. That means the date on which the tickets were made out.

Q. Were made out?

A. Not necessarily purchased. The cash slip which accompanies this has the date on which they were purchased.

Q. Now, Mr. Velazquez, you can identify these two pieces of paper as being carbon copies of cou-

(Testimony of Edward George Velazquez.)

pons that are used by the Pan-American office?

A. That's correct, sir.

(Mr. Richardson hands the two papers referred to to Mr. Soares.)

Mr. Richardson: If your Honor please, I wish to offer in evidence two carbon copies of the tickets.

Mr. Soares: No objection. [91]

The Court: Received.

The Clerk: Plaintiff's Exhibits A-1 and A-2.

(The documents referred to were received in evidence as Plaintiff's Exhibits A-1 and A-2.)

Q. (By Mr. Richardson): And, Mr. Velazquez, I also hand you another piece of paper and ask if you can identify it, and if so, just explain to the jury what it is.

A. This is a form which we use locally in the San Francisco district sales office, and we refer to it as a cash slip. This form is used in consummating a sale. And it contains information as to the amount of money received, the amount of money involved in the sale, and also whether any change was made. In addition to that, it contains the names of the passengers appearing on the tickets which accompanied this cash slip. And it also contains the ticket numbers as well as the value. In addition to that, it also has the notation by the cashier who received the transaction as to the date and also his initials and the type of payment made.

(Testimony of Edward George Velazquez.)

Q. Now, that particular slip that you have there, does that cover the two tickets that you just examined, the same names?

A. This slip has the same names, those of Miner Lii and Alice Lii and Sarah Lee Wright, and also the two ticket numbers corresponding to those which you just handed to me. [92]

Q. The same serial numbers on the tickets?

A. That's right.

Q. What is the total amount of money that shows was derived from that sale?

A. Well, we show in this cash slip that our counter clerk and subsequently the cashier received \$560, and the sale itself was for \$552. Therefore, change of \$8 was made.

Q. Now, how was that money paid to Pan-American?

A. According to the notation made on this by the receiving cashier, \$450 of the \$560 received was in traveler's checks and the remainder was in cash, cash, either currency or coin.

Q. Four hundred fifty was in traveler's checks and the remainder in cash?

A. That's correct.

Q. From your experience with the records and your experience in your job, Mr. Velazquez, would you say that on this particular sale that that amount of money was paid all by the same person, or could you tell——

Mr. Soares: We object to that conclusion by the witness as not justified.

(Testimony of Edward George Velazquez.)

The Court: Sustained.

Q. (By Mr. Richardson): You do identify this slip as being part of the records in use by Pan-American? [93]

A. That's correct, sir.

(Mr. Richardson hands paper referred to to Mr. Soares.)

Mr. Richardson: If your Honor please, I wish to offer in evidence this slip.

Mr. Soares: We have no objection to the one slip identified by the witness.

Mr. Richardson: There are some others involved in other cases.

The Court: Received.

The Clerk: Plaintiff's Exhibit B.

(The document referred to was received in evidence as Plaintiff's Exhibit B.)

Cross-Examination

By Mr. Soares:

Q. Did you bring with you any of the other records of the Pan-American?

A. No, sir, those are the only records I brought with me.

Q. Are you familiar with any record pertaining to a person by the name of Mary Chang?

A. I'm sorry, I didn't get the question.

Q. Are you familiar with any records pertaining to a person by the name of Mary Chang?

A. Mary Chang? No, I am not.

Q. You weren't asked to look that up? [94]

(Testimony of Edward George Velazquez.)

A. No.

Q. So you wouldn't be able to tell whether Mary Chang was on the plane, was a passenger on that same plane or had a ticket on that same plane or not, would you?

A. Not offhand, I wouldn't say.

Q. Back in San Francisco you could?

A. Well, it all depends on whether she purchased a ticket or not.

Mr. Soares: All right. No further questions.

Mr. Richardson: That's all, Mr. Velazquez. Thank you very much.

(Witness excused.)

Mr. Richardson: Call Frank Sampson.

FRANK SAMPSON

a witness on behalf of the Plaintiff, being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Mr. Sampson, will you state your full name to the Court, please? A. Frank Sampson.

Q. What kind of work do you do, Mr. Sampson?

A. I am a merchant seaman.

Q. Merchant seaman? A. Yes. [95]

Q. Now, do you know the Defendants in this case, Miner Lii and Alice Lii? A. Yes, I do.

Q. How long have you known them?

A. I have known Miner Lii for about ten years.

(Testimony of Frank Sampson.)

Q. Where is your home, Mr. Sampson, in San Francisco? A. San Francisco.

Q. Where did you know Miner Lii?

A. Where?

Q. In San Francisco? A. Yes, I did.

Q. And do you know Sarah Lee Wright?

A. Yes, I do.

Q. How long have you known her?

A. Since August, 1950.

Q. August of 1950? Where did you meet Sarah?

A. At my dad's establishment, which is a bar.

Q. That is in San Francisco?

A. San Francisco.

Q. Now, Mr. Sampson, I will ask you with reference to some time around the first part of October of last year, did you see Sarah Lee Wright and Miner and Alice Lii together?

A. Yes, I did.

Q. Where was that?

A. In my dad's bar. [96]

Q. What is the name of your father's bar?

A. Blanco's Tavern.

Q. Do you remember the date that you saw them there together? A. No, I don't.

Q. At any rate, you knew them all? You know both the Liis and Miss Wright?

A. That's right.

Q. Did you have a conversation there with them? A. No, I didn't.

Q. Did you, either that day or within the next few days—were you present when a conversation

(Testimony of Frank Sampson.)

was had between the Defendants, Miner and Alice Lii and Sarah Lee Wright, with reference to coming to Honolulu?

A. No, I didn't hear anything about that until, I guess, a couple of days before they left San Francisco.

Q. A couple of days before they left? Well, did you hear something about it then?

A. Oh, yes.

Q. Well, now, what did you hear? Who did you hear it from?

A. I heard it from Mr. and Mrs. Lii. They were talking about going to Honolulu, if she would like to go for a vacation to Honolulu.

Q. Well, now, who was going? [97]

A. Say that again.

(The reporter read the last question.)

Q. Well, you heard them all talking there together about coming to Honolulu, is that correct?

A. Yes, at that time, yes.

Q. And did you know whether or not Sarah was going to come with Lii?

A. No, she didn't—she was—she said that she didn't know whether she was going to go or not.

Q. She didn't know whether she was going to go or not? A. That's right.

Q. Later on did she ever change her mind?

Mr. Soares: We object to that as calling for a conclusion of the witness. No time or place is fixed.

Q. (By Mr. Richardson): Did she say anything further to you about going after that?

(Testimony of Frank Sampson.)

A. No, she didn't.

Q. Now, on Monday, October 7th, did you take Miner Lii and Alice Lii and Miss Wright to the airport?

A. Yes, I did.

Q. How did that come about? How did you happen to take them out there?

A. Well, I told them previous that I would take them to the airport when he's ready to leave. [98]

Q. You told who?

A. Mr. Lii. Seeing that he was a friend of my dad's and friend of mine for some time, to show him the hospitality of San Francisco.

Q. What time did you take them there? What time of the day was it?

A. It was in the morning. He had to be there by nine o'clock.

Q. Who all went to the airport with you?

A. Mr. and Mrs. Lii and Miss Wright and a girl named Mary.

Q. A girl named Mary?

A. That's right.

Q. Do you know her last name?

A. No, I don't.

Q. Did you go to the airport in your car?

A. Yes, they did.

Q. Did you see them get aboard the plane there?

A. No, I didn't.

Q. You just took them to the airport and then left, is that right?

A. That's right.

Q. Did you hear the flight called for the plane to leave the airport?

A. Yes, I did. That's at the time I left. [99]

(Testimony of Frank Sampson.)

Q. That's the time you left? A. Yes.

Q. They announced over the loudspeaker system that the flight was going out? A. Yes.

Q. Now, have you been back over here, Mr. Sampson, since you took them to the airport last October? A. Yes, I have.

Q. Where did you stay while you were here?

A. At Mr. Lii's place.

Mr. Soares: I didn't hear.

(The reporter read the last answer.)

Q. (By Mr. Richardson): Was Sarah Lee Wright staying there at the time you were here?

A. Yes, she was.

Q. How long did you stay here?

A. Three weeks.

Q. Did you stay at the Lii's place the entire three weeks? A. Yes, I did.

Q. And was she there for the entire three weeks, too? A. Yes, she was.

Mr. Richardson: That's all. [100]

Cross-Examination

By Mr. Soares:

Q. On how many different occasions did you see Miner Lii in San Francisco in the first part of October last year? A. Just the first time.

Q. Only once, you mean?

A. Yes, that's all, once.

Q. And that was at your dad's bar?

A. That's right.

(Testimony of Frank Sampson.)

Q. Did you talk to him then?

A. Oh, yes, I did.

Q. Was anybody with you?

A. Not at the present, no. His wife came about an hour later, I believe.

Q. Were he and you drinking at the bar?

A. He doesn't drink.

Q. Miner Lii doesn't drink?

A. He doesn't drink.

Q. Well, while you were there with him, was anybody else there, or the two of you?

A. No, there wasn't.

Q. Just the two of you alone? A. Yes.

Q. How long has it been since you have seen Miner before that? A. Since 1944. [101]

Q. And where had you seen him then?

A. I run into him then at Waikiki beach.

Q. Here in Honolulu? A. In Honolulu.

Q. Were you shipmates at any time?

A. No, we weren't.

Q. What was your last ship?

A. The Pierre Marquette.

Q. And when was that?

A. From the 21st of April to May 15th.

Q. This year? A. This year.

Q. You say you stayed at Miner Lii's place?

A. I did.

Q. For about three weeks?

A. About three weeks.

Q. How long was it after they left San Francisco that you came here and went to Miner Lii's?

(Testimony of Frank Sampson.)

A. I guess about a month.

Q. They had been home about a month?

A. Three weeks to a month, something like that.

Q. Did you come down alone?

A. Yes, I did.

Q. Are you married? A. Yes, I am. [102]

Q. Was your wife ever here?

A. Yes, she was.

Q. When was she here?

A. She was here in November.

Q. You were still living in Miner Lii's then?

A. No, I wasn't.

Q. And where did your wife stop while she was here?

A. We stayed at the Beach Walk apartments.

Q. Were you here then? A. Yes, I was.

Q. How long was she here?

A. About three weeks.

Q. And did you and she live together in the Beach Walk apartments? A. Yes, we did.

Q. How long had you known Sarah Lee Wright?

A. Since August of 1950.

Q. So you had only know her two or three months when you met Miner Lii at your dad's bar, is that right? A. Right.

Q. Did you know what her business was?

A. No, not at that time.

Q. What's that? A. Not at the time.

Q. All the time she was in San Francisco you didn't [103] know what her business was?

(Testimony of Frank Sampson.)

A. Well, I just seen her. She had worked at a night club there in San Francisco.

Q. This Mary who accompanied you to the airport, how long had you known her?

A. I knew her a long time ago when we were kids.

Q. When you were on a ship—when you were kids?

A. When we were children. I knew her brother.

Q. Now, the first time you knew that Sarah was coming to Honolulu was when you heard her say she was coming for a vacation on this day?

A. No, the night before they left San Francisco.

Q. And that was the night before she left, is that right? A. Yes.

Q. Now, was that the same day you met Miner the first time in October? A. No, it wasn't.

Q. How many times had you been together with Miner Lii or with Miner Lii and his wife before the occasion on which Sarah was also present and she had said she was coming to Honolulu for a vacation? A. Well, twice, two times.

Q. And the first time who all were in the party?

A. Walked in my dad's bar was Mr. and Mrs. Lii and [104] Sarah,

Q. Mr. and Mrs. Lii and Sarah?

A. Right.

Q. They were there? And did you talk to them?

A. Yes, I just said "hello" and sat down with them.

(Testimony of Frank Sampson.)

Q. And that was all? A. That's all.

Q. And then how long after that was it that Sarah told you she was coming to Honolulu for a vacation?

A. It was the night before they left, about two days I mean.

Q. How many days? A. Two days.

Q. Two days afterwards? Then you offered to bring them to the airport? A. That's right.

Q. Where did you pick Sarah up?

A. At 100 Webster Street, San Francisco.

Q. What is that, do you know?

A. I guess you call it a flat.

Q. Is that where she lived?

A. That's where she lived.

Q. Is that where her mother lives?

A. I don't know if she has a mother there.

Q. What's that? [105]

A. Where her mother lives?

Q. Yes.

A. I don't know where her mother lives.

Q. You don't know if she has a mother?

A. That's right.

Q. Was she alone when you picked her up?

A. No, Mary was there.

Q. Do you know where Mary was living at that time? A. No, I don't.

Q. Who was with you when you picked up Sarah and Mary at 100 Webster Street?

A. No one, just myself.

Q. Then where did you pick up Miner Lii and

(Testimony of Frank Sampson.)

his wife? A. At their hotel on Taylor Street.

Q. Taylor Street? A. Taylor Street.

Q. And after picking up Mr. and Mrs. Lii, did you go straight to the airport?

A. Yes, we did.

Q. You didn't pick up anybody else?

A. No one else.

Q. And were you at the airport very long before it was time for them to get on the plane?

A. About three, four minutes, I believe.

Q. Three or four minutes? [106] A. Yes.

Q. You hardly had got them there when you heard them call the flight?

A. Yes, as soon as their bags were picked up.

Q. Just about made the plane, is that right?

A. Yes. Well, they call it 15 minutes earlier before the plane takes off.

Q. And when the flight was called, did Mr. and Mrs. Lii, Mary and Sarah then start for the plane?

A. Yes, they did.

Q. And you turned around and went out?

A. That's right.

Q. You were there only three or four minutes?

A. That's right.

Q. The first time you saw Miner and Alice Lii and Sarah together you didn't stop to talk, merely said "Hello" and kept going?

A. I was right at the bar, sitting at the bar.

Q. They were sitting?

A. They were sitting at the booth. I was sitting at the bar.

(Testimony of Frank Sampson.)

Q. And it was from the bar that you saw them?

A. That's right.

Q. And that's all the conversation?

A. Right there, yes. [107]

Q. Was anybody else with them? Was Mary there at that time?

A. No, she wasn't.

Q. Just three of them?

A. That's right.

Q. Did you see anything more of them that night?

A. No, I didn't.

Q. Whose car did you use to take them to the airport?

A. My car.

Q. You have a brother who is known as Junior?

A. That's right.

Q. Does he own a car, too?

A. I don't know now at the present.

Q. Well, at that time?

A. No.

Q. Did you ever lend Miner Lii your car?

A. No.

Q. In San Francisco? You and Sarah were pretty good friends, weren't you, after you met her?

A. Well, pretty good friends.

Q. And you followed her to Honolulu, didn't you?

A. No, I didn't.

Q. Did you have a ship in October before you met Miner Lii?

A. No, I didn't. [108]

Q. Before you knew Sarah was coming to Honolulu?

A. No, I didn't.

Q. When you learned that Sarah was coming to Honolulu, then you shipped over?

A. No, I——

Q. How long after?

(Testimony of Frank Sampson.)

A. Four months, I believe. In March.

Q. I mean, how long after you knew that Sarah was coming to Honolulu was it that you shipped?

A. Well, February. I was on a ship in February.

Q. In February following?

A. That's right. You mean when I came over to Honolulu?

Q. Yes.

A. Came over in October, I believe, or the first part of November.

Q. Well, how did you come over?

A. I came over by plane.

Q. Oh, you didn't come as a seaman?

A. No, I didn't.

Q. Did you buy your own ticket?

A. Yes, I did.

Q. With your own money? A. Yes, I did.

Q. It isn't true that Sarah sent you money to come over? [109]

A. She sent me some money but not to come over.

Q. What?

A. She sent me some money but not to come over.

Q. How much money did Sarah send you?

Mr. Richardson: I object to that, if your Honor please. He made the same objection—trying to show how much money this girl earned.

Mr. Soares: It isn't to prove how much she earned or anything. It is to prove the relationship between these two people.

The Court: All right. Answer it.

(Testimony of Frank Sampson.)

Q. (By Mr. Soares): How much did Sarah send you? A. I guess \$200, I believe.

Q. Did she send you any other money at any other time? A. No, she didn't.

Q. Why did she send you \$200, do you know?

A. No, I don't.

Q. Did she send any letter with it?

A. No.

Q. Just sent you \$200 without saying a word?

A. That's right.

Q. And how long before you came to Honolulu did you receive that \$200?

A. Oh, three days, I believe. [110]

Q. Had you communicated with Sarah in any way from the time she left for Honolulu until you received that \$200? A. Yes.

Q. By what means did you communicate?

A. Oh, by letter.

Q. Did you ever send her a wire?

A. No, I didn't.

Q. How did this \$200 come to you?

A. By wire.

Q. Now, isn't it true, Babe, that what happened was that you wired to Sarah for some money so that you could come to Honolulu?

A. No, that's wrong.

Q. Well, how many wires did you send to Sarah?

A. Didn't send any at all.

Q. It was the money that came to you by wire?

A. That's right.

Q. You wrote her also?

(Testimony of Frank Sampson.)

A. Yes. Not for money.

Q. You know you never asked for any money?

A. No, I didn't.

Q. Is that the only time you ever received money from Sarah? A. That's right.

Q. And you don't understand why she should be sending [111] you \$200?

A. No. I mean, we were pretty good friends. She sends—well, she's good-hearted.

Q. And she just sent this out of the bigness of her heart? A. Could be.

Q. Well, was it? A. Yes.

Q. You were surprised when you received it?

A. I was.

Q. So you bought a ticket to come down and see her?

A. Not to see her. I planned attending the University here.

Q. You planned to attend the University here?

A. I wanted to find out if they had any law courses.

Q. You came all the way from San Francisco to find out if the University of Hawaii had a law course?

A. Well, sure. And to have a vacation at the same time.

Q. It never occurred to you to look it up and see if they had a law course? A. No, it didn't.

Q. You found out that they don't have a law course, didn't you? A. That's right.

(Testimony of Frank Sampson.)

Q. When did you first make up your mind you were going [112] to study law?

A. Oh, I planned that about a year ago.

Q. But you waited until Sarah came to Honolulu before you decided you'd take her money and get a plane ticket so that you could go up in person to the University of Hawaii and study law?

A. No, I didn't. I attended school there in San Francisco just before they left.

Q. Is that your best answer to my question?

A. Well, you mean I accepted her money to come here? No, that's wrong.

Q. Did you bring your wife with you?

A. No, I didn't.

Q. Why not?

A. At that time I didn't have enough money.

Q. Besides the \$200 Sarah sent you by wire, how much money did you have? A. Oh, about \$60.

Q. So you, with total assets of \$260, you decided you would come to Honolulu to go to the University of Hawaii and find out if you could study law?

A. Or play ball.

Q. Or play ball? What do you mean by that?

A. Basketball.

Q. For the University? [113]

A. Well, if I could.

Q. And \$260 is all you had?

A. That's right.

Q. Part of that you spent for a plane ticket?

A. That's right.

(Testimony of Frank Sampson.)

Q. How much? A. \$184.

Q. How did you expect to live while you were in Honolulu studying law at the University of Hawaii?

A. I have friends here.

Q. You expected to live off your friends?

A. No, they were my dad's friends.

Q. I say, you expected to live off them?

A. No, I don't.

Q. Well, will you answer my question, then? How did you expect to live in Honolulu away from home while you were studying law at the University of Hawaii?

A. My dad would send me through school.

Q. Did you talk to him about that?

A. Yes, I did.

Q. And did he promise to send you?

A. Well, he said if I'd go to school, he would.

Q. Well, then, did you ask him for the plane fare to come to Honolulu?

A. No, I didn't. [114]

Q. Did you ask your dad for any money while you were in Honolulu? A. Yes, I did.

Q. How much did you get from him?

Mr. Richardson: If your Honor please, I object to this. This is not getting anywhere.

Mr. Soares: Does Counsel believe this story for any minute? Haven't we a right to develop that?

Mr. Richardson: Mr. Soares has been doing that all through this trial.

Mr. Soares: Counsel gets up and every time it

(Testimony of Frank Sampson.)

gets hot he begins to object, and he doesn't state the grounds for the objection or anything at all.

Mr. Richardson: It isn't necessary to state my——

Mr. Soares: And then, when it is apparent what we are leading to, then he suddenly objects.

The Court: Well, what are you leading to? Go to it.

Mr. Soares: Exactly. Will you read the question?

(The reporter read the last question.)

A. I didn't get anything.

Q. When did your wife arrive in Honolulu?

A. On November some time. I can't recall.

Q. Did you send for her? A. Yes.

Q. Did you send her the money for [115] coming? A. No, I didn't.

Q. Do you know how she got the money to get here? A. My mother.

Q. Did you know she was coming?

A. Yes, I did.

Q. Did you ever live at the Queen's Hotel?

A. Yes, I did.

Q. How many days?

A. Three days, four days.

Q. And with whom did you live at the Queen's Hotel for three or four days?

A. Miss Wright.

Q. You registered there as man and wife, didn't you? A. Yes.

(Testimony of Frank Sampson.)

Q. Was your wife in town then? A. No.

Q. How did you register, in what name did you register? A. Mr. and Mrs. Sampson.

Q. Mr. and Mrs. Sampson? A. Yes.

Q. Do you have you ship's paper with you?

A. No, not at the present.

Q. Do you have any identification with you?

A. It's over at the building.

Q. Do you have any identification of any kind with you?

A. No, not here. My wallet is in my luggage.

Q. Have you always gone by the name of Frank Sampson? A. Yes, I have.

Q. You use no other name?

A. Francisco.

Q. No other last name?

A. No other last name.

Q. Didn't you go by the name of Blanco?

A. No, I don't.

Q. Now, as I understand it, you were at your dad's bar and looked over in one of the booths and you saw Miner Lii, Alice Lii and Sarah Wright sitting there?

A. I didn't look. I walked in and I seen them.

Q. When you walked in you saw them and went through the bar?

A. No, I sat alone and went to the bar.

Q. And that's all you said to them that day?

A. That's right.

Q. Then you never saw them together again until two days afterwards? A. That's right.

(Testimony of Frank Sampson.)

Q. Now, where did you see them on that second day? A. At the bar.

Q. Were they in the booth again?

A. No, they were at the bar. [117]

Q. Were there just the three of them together at the bar in their party?

A. No, she wasn't at the bar. Mr. and Mrs. Lii was at the bar. She was in a booth?

Q. And where was Miner Lii?

A. At the bar.

Q. Mr. and Mrs. Lii were at the bar? Sarah Wright was in a booth by herself? A. Yes.

Q. Alone? A. Yes.

Q. And then did you see her together with Mr. and Mrs. Lii after that?

A. We sat down. I told them to come over to the booth. We sat down.

Q. Over in the booth? A. That's right.

Q. And then this conversation took place?

A. No conversation, like together—see, there was a singer, so we all went out to see the singer.

Q. You all went out to see a singer?

A. That's right.

Q. Was anything said about Sarah coming to Honolulu the next day at that time?

A. No, there wasn't. [118]

Q. When was it that you first learned that Sarah was coming to Honolulu for a vacation?

A. Well, that was the night before they left. She said she was——

Q. Well, that was the second time you met her?

A. Yes.

(Testimony of Frank Sampson.)

Q. And that's the time that you all went out to hear this singer? A. Yes.

Q. And all she said was, "Babe, I'm going to Honolulu for a vacation"? A. That's right.

Q. Were Mr. and Mrs. Lii in a position where they could hear it?

A. No. I believe after I dropped them, just before we dropped all together——

Q. So you didn't know anything about Sarah Wright coming to Honolulu until after you had dropped Mr. and Mrs. Lii off and dropped Sarah off?

A. Well, she was leery. She told me at the beginning she would like to go but she said she didn't know whether she was going or not.

Q. Wait a minute. I didn't get that.

(The reporter read the last answer.)

Q. Who do you mean by "she"? Sarah? [119]

A. Sarah.

Q. At the beginning, you mean in the early part of the evening? A. That's right.

Q. And when you dropped her off she told you she was going? A. That's right.

Q. And you agreed to pick her up?

A. That's right.

Q. Where did you drop her off?

A. 100 Webster Street.

Q. That was not her home?

A. That was her home.

Q. She was living there? A. Yes, she was.

(Testimony of Frank Sampson.)

Q. You said something earlier in the evening Sarah Wright was leery about whether she was going. Just what do mean by leery?

A. Well, she didn't know whether she was going or not.

Q. Well, what did she say? What language did she use?

A. Well, she said, "I don't know whether I'm going or not."

Q. Did she say, "I have a chance to go to Honolulu; I don't know whether I will go or not?"

A. That's right. [120]

Q. And then, when you left her, she said, "I am going for a vacation"? You didn't inquire into it any further? A. No, I didn't.

Q. Have you ever been convicted of any offenses against the laws? A. No, I haven't.

Q. At the end of three days at the Queen's Hotel, where did you move to?

A. Near Nano Way, 148, I believe it is, or 152-A Nano Way.

Q. 184, wasn't it? A. Yes, 184—148.

Q. Did both you and Sarah move out there?

A. Yes.

Q. And did you again register at that apartment as Mr. and Mrs. Frank Sampson?

A. No, I didn't register. I didn't know about it. She registered there.

Q. And do you know under what name she registered? A. Under Sarah Sampson.

(Testimony of Frank Sampson.)

Q. Sarah Sampson? And how long did you and Sarah occupy the apartment at 148 Nano Way?

A. I stayed there a week.

Q. Did you live there together as man and wife?

A. Yes, I was there. [121]

Q. What's that? A. I was there.

Q. As man and wife?

A. Well, no, not as man and wife.

Q. Did you occupy the same bed?

A. No.

Q. How many days did you spend there?

A. A week.

Q. You say you didn't have sexual intercourse with Sarah at that time?

A. I wouldn't say every night.

Q. Not every night? But during the period?

A. Twice.

Q. And at the Queen's Hotel? A. None.

Q. Three nights and you didn't?

A. That's right.

Q. You didn't have intercourse with her?

A. That's right.

Q. And then how did you come to leave her at Nano Way?

A. Well, my wife was coming up so I intended to go back.

Q. Go back where? A. San Francisco.

Q. In other words, if your wife hadn't come you were [122] to continue to live there with Sarah?

A. No, I was going back.

Q. You made up your mind to go back?

(Testimony of Frank Sampson.)

A. Yes, I did.

Q. And did you go back?

A. I played ball about a week before I went back.

Q. You mean basketball? A. That's right.

Q. Professional ball? A. No.

Q. Fixed games? A. No fixed games.

Mr. Richardson: I object to that.

Q. (By Mr. Soares): Whether you made any money or not?

A. No. It was for the Oldsmobile Rockets.

Q. Well, did you earn any money during the time you were in Honolulu?

A. Not working, no.

Q. Well, did you earn it in any way?

A. Yes, fellows off the ship that I know would give me ten or fifteen.

Q. How much money would you say you got in that amount? A. Oh, I guess about \$80.

Q. And you were in Honolulu how long altogether on that [123] trip?

A. I guess not quite two months.

Q. What?

A. Not quite two months or about two months.

Q. How did you live?

A. Well, Sarah had money.

Q. You lived off Sarah's money?

A. For a while.

Q. Did you live pretty well?

Mr. Richardson: If your Honor please, I am

(Testimony of Frank Sampson.)

objecting to all this line of testimony. It is immaterial to what the trial is about.

Mr. Soares: It is very material to show what the attitude is. They are attempting to send these people to jail, and here is a witness that says that she wasn't a prostitute after she left home and they hide the fact from the jury that she was living with him as man and wife and pretending that some girl was sharing the apartment with her. Can't we go into all of this and let the jury get a true picture of this situation of the kind of testimony which they expect to send this little woman and her husband to jail on?

The Court: Well, the witness isn't on trial for anything that I know of.

Mr. Richardson: This witness' character is not in issue.

Mr. Soares: It certainly is in issue as far as his [124] credibility is concerned.

Mr. Richardson: He is not being tried.

Mr. Soares: Does the Court sustain the objection?

The Court: Yes.

Mr. Soares: Save an exception.

Q. (By Mr. Soares): Were you in Honolulu when Sarah moved out to Isenberg road?

A. No, I wasn't.

Q. Did you and your wife leave Honolulu together? A. No.

Q. Who went first? A. My wife did.

Q. How long afterwards did you follow?

(Testimony of Frank Sampson.)

A. Five days.

Q. You and your wife are living together now?

A. Yes, we are.

Mr. Soares: No further questions.

(Witness excused.)

The Court: Have you got another witness yet?

Mr. Richardson: No, sir, I don't. Could we approach the bench, Mr. Soares, please?

(Court and counsel confer.)

The Court: The Court adjourns until tomorrow morning at 9:30. And in the meantime the jurymen will not discuss [125] the case, the evidence, insofar as they have heard the evidence, or receive the opinion of any other person, not even fellow jurors, and particularly not the opinion of anyone else. Keep your minds open so that you may do your full honest duty when the case is all submitted to you. There is yet to come perhaps further evidence, testimony. I don't know anything about that, nor do you, as to what is yet to come. But there will be undoubtedly argument by counsel and instructions of the Court relating to the law pertinent to the case. But just keep your minds open and your mouths closed so far as this case is concerned.

(The Court adjourned at 4:15 p.m.) [126]

May 22, 1951

(The Court convened at 9:30 a.m.)

The Clerk: Criminal No. 10,419, United States of America, Plaintiff, versus Miner Lii and Alice Lii, Defendants; case called for further trial.

The Court: The jury is present and in the jury box. You may proceed.

Mr. Richardson: If your Honor please, at this time the Government rests its case in chief.

Mr. Soares: I then move that the jury be directed to find a verdict of not guilty against the defendant, Miner Lii, there being no evidence to establish the allegations of the indictment as to him.

The Court: The motion is overruled.

Mr. Soares: I then save an exception. Is the girl Sarah here?

Mr. Richardson: She is.

Mr. Soares: For purposes of identification.

Mr. Richardson: She is in my office.

Mr. Soares: Can you call her, because of the witness I am going to call, so that he can see her? Will you call Harold Lewis to the stand, please?

The Bailiff: He is not there.

Mr. Soares: He must be there. I was talking to him. [127] May I step to the door, if the Court please?

The Court: Yes.

(Mr. Soares leaves courtroom for a few moments.)

Mr. Soares: If the Court please, the witness

Harold Lewis was out in the corridor this morning and I spoke to him, and he must have apparently gone. I'd like a few minutes recess to check.

The Court: Well, is he under subpoena?

Mr. Soares: No, he is not under subpoena, if the Court please. I talked to him only late yesterday afternoon.

The Court: How much recess do you want?

Mr. Soares: Just so that I can go to a telephone and see if I can find out where he is. Say about ten minutes.

The Court: Can't you do that in less time?

The Bailiff: He is not here.

Mr. Soares: I'd like to make one telephone call, if the Court please.

The Court: All right. We will take a brief recess.

(A recess was taken at 9:38 a.m.)

Mr. Soares: Shall I proceed, your Honor?

The Court: Yes.

Mr. Soares: Harold Lewis, will you take the witness stand, please?

HAROLD JOHN LEWIS

a witness on behalf of [128] the defendants, being duly sworn, testified as follows:

Direct Examination

By Mr. Soares:

Q. What is your name?

A. Harold John Lewis, L-e-w-i-s.

Q. Where do you live?

(Testimony of Harold John Lewis.)

A. I live at 313 Royal Hawaiian Avenue.

Mr. Richardson: What is that street?

The Witness: Royal Hawaiian Avenue, 313.

Q. (By Mr. Soares): Mr. Lewis, I had an interview with you this morning before coming to Court? A. That's right.

Q. And as a result of that interview you agreed to come to Court to be a witness?

A. That's right.

Q. And you were here before Court convened? You were here before the Court opened?

A. That's right.

Q. And where did you go?

A. To the tax office.

Q. Pardon?

A. I was here in front of the tax office.

Q. Why did you leave the Court?

A. I filed some returns there a year ago and to find [129] out if he finished it for me.

Q. Were you expecting to come back?

A. Yes.

Mr. Soares: Now, I wonder if we could have Sarah Lee Wright stand so this witness may be able to identify her?

Mr. Richardson (to Sarah Lee Wright): Will you stand?

(Sarah Lee Wright complies.)

Mr. Soares: That's all we shall require of her, Mr. Richardson.

Mr. Richardson: If your Honor please, I prob-

(Testimony of Harold John Lewis.)

ably will use her in rebuttal, and I suppose under those circumstances she should leave the courtroom.

The Court: Yes.

(Sarah Lee Wright leaves courtroom.)

Q. (By Mr. Soares): Did you notice the lady who stood up when I asked to have Sarah Lee Wright stand up? A. Yes.

Q. Have you ever seen her before?

A. Yes.

Q. Where did you first see her as far as you can remember? A. On the Island of Kauai.

Q. Did you see her—perhaps I had better identify the witness a little further. What is your business, Mr. Lewis? [130]

A. I am a private pilot. My business is flying and teaching flying.

Q. Did you ever see Sarah Lee Wright on the Island of Kauai between, any time between the month of September and Christmas time of last year?

A. Like I said this morning, I seen her.

Q. Well, you can't tell what you told me.

A. Any time from after September 15th. I won't commit myself on a day and about the month, but I seen her there any time after September 15th.

Q. Some time after September 15th? And Christmas?

A. It might be a little after Christmas?

Q. But Christmas month?

A. Yes. It wasn't in the month of Christmas.

(Testimony of Harold John Lewis.)

Q. It was not in that month, but it was some time after September and before Christmas month?

A. That's right.

Mr. Soares: You may cross-examine.

Cross-Examination

By Mr. Richardson:

Q. When was the first time you saw this Miss Wright, Mr. Lewis?

A. On the Island of Kauai.

Q. That's the first time you saw her?

A. First time in my whole life. [131]

Q. How many times did you see her there?

A. Once.

Q. Just one time on Kauai?

A. That's true.

Q. When is the next time you saw her?

A. In Honolulu.

Q. When was that?

A. It was a little while back.

Q. Well, how far back?

A. Well, a couple of months, I'd say.

Q. Now, have you seen her since then up until today?

A. Once again.

Q. How long ago was that?

A. About three days ago.

Q. Where did you see her then?

A. At a party.

Q. Where was the party?

A. Up at—I just don't know the street, but it was out in Kalihi district somewhere.

(Testimony of Harold John Lewis.)

Q. And you have seen her three times, is that right?

A. That's true.

Q. And you distinctly remember that you saw her in Kauai some time around September 15th?

A. That's true.

Q. Now, Mr. Lewis, you saw her out in the hall here [132] this morning, didn't you?

A. That's true.

Q. Weren't you standing by the door as she came down the hall to come into the courtroom?

A. I was not standing by the door.

Q. Where were you standing?

A. I was 'way down the end of the hall.

Q. You saw her as she came by?

A. She walked towards where I was.

Q. And she stopped and said something to you?

A. She did not talk to me.

Q. Didn't she make a remark to you there?

A. She did not.

Q. And didn't you immediately leave the place?

A. No such thing.

Q. That didn't happen?

A. That didn't happen.

Q. Where is this tax office you went to?

A. Right straight down in the field office. I went down to see John Kramer.

Q. What floor is it on?

A. It's on the first floor in the subdivision out here.

Q. And you knew the Court had started here, didn't you?

(Testimony of Harold John Lewis.)

A. Well, I was under the impression that I would come on in about an hour some time. [133]

Q. Who told you that?

A. Nobody told me. I just took it on my own.

Q. Didn't Mr. Soares tell you he was going to use you as the first witness?

A. He might have, but I don't remember.

Q. And you say the reason you left here this morning was not because you saw this girl out here in the hall and knew that she knew you? That didn't happen? A. No.

Q. What do you do for a living?

A. Well, by profession I am a pilot.

Q. Who do you work for?

A. I work for my own—I owned Lewis Flying School out there for several years in Haleiwa.

Q. Do you own it still?

A. No, the Government closed it down. I'm a band leader. I've been working for the service clubs. I've been doing that ever since I came back from Kauai.

Q. Have you ever been known as Harold Earl Lewis?

A. Harold Earl Lewis? Never in my life. My name is Harold Lewis. I have no police record whatsoever.

Q. You never used the name of Harold Earl Lewis? A. Never in my life.

Q. And you positively identified this girl as the girl you saw in Kauai? [134]

A. That's true. And I even called a few people's

(Testimony of Harold John Lewis.)

attention to it and they admitted that she was there.

Mr. Richardson: I object to that and move that that be stricken as hearsay.

Mr. Soares: You asked for it.

Mr. Richardson: I didn't ask for that.

The Court: That may be stricken.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): What were you doing in Kauai? A. I was flying.

Q. Were you flying from Honolulu to Kauai?

A. No, I was working on Kauai; flying from Kauai to Niihau. I was at the two airports every day. It just was a coincidence that I seen her there because very few white people on that island.

Q. On Kauai?

A. That's true. Outside of the plantation wives and a few girls in the bars, and when you see a few white girls come there you more or less take a couple of looks.

Q. And you saw her last September?

A. I said any time after September 15th.

Q. All right. Any time after September 15th you saw her there? And you saw her again about two months later?

A. Not two months later. I saw her when I got back [135] home here a couple of months ago.

Q. A couple of months ago? A. Yes.

Q. And you remembered her when you saw her before as the same girl that you had seen in Kauai?

A. Well, I asked a certain fellow——

Q. You can't tell what somebody told you.

(Testimony of Harold John Lewis.)

A. You are asking me where I seen her. I was going to tell you where I seen her.

Q. I asked you if you remembered her the second time from the first time?

A. That's right.

Mr. Richardson: That's all.

Redirect Examination

By Mr. Soares:

Q. Now, Mr. Lewis, when you saw her the first time in Honolulu after having seen her in Kauai, under what circumstances did you see her? Where was she? Who was she with?

Mr. Richardson: I object to that, if your Honor please. It is a matter that he should have gone into in evidence in chief.

Mr. Soares: Oh, no. This is made necessary by the doubt that counsel has attempted to cast on the man's testimony. He went into all these details. I didn't even bring out the fact. [136]

Mr. Richardson: On cross-examination.

Mr. Soares: I'd like to complete my argument to the Court without interruption. I never asked him about seeing her in Honolulu at all. Counsel developed that fact. It is new matter brought out on cross-examination about which we have a right to inquire.

The Court: What is your inquiry?

Mr. Soares: Under what circumstances he saw her in Honolulu after having first seen her on Kauai towards the latter part of 1950.

(Testimony of Harold John Lewis.)

Mr. Richardson: Then I object to that as being immaterial, if I understand the question about the circumstances he saw her under in Honolulu.

Mr. Soares: That's right.

Mr. Richardson: Of course, this witness is evidently being introduced for the purpose of proving the girl was in Kauai. Now, the circumstances under which he saw her in Honolulu are immaterial, if your Honor please.

Mr. Soares: Well, I submit it is not. It is a new matter that was brought out on cross-examination. We certainly have a right to have him testify to those circumstances, after counsel has attempted to cast doubt on his testimony.

The Court: Oh, I think it isn't necessary to go any further with that. He testified he saw her on Kauai. He didn't tell under what circumstances he saw her there. And [137] I don't know why the circumstances of having seen her here, as he says, two times after that makes any difference. I don't see that it is material.

Mr. Soares: Save an exception to the ruling of the Court.

Q. (By Mr. Soares): When she was in Honolulu after you had seen her on Kauai, was she with anyone? A. Yes, she was.

Q. And with whom was she?

A. With a boy. I thought it was a boy friend.

Q. Well, do you know the name——

Mr. Richardson: I object to that, when he thinks.

(Testimony of Harold John Lewis.)

Mr. Soares: We have no objection to that.

Q. (By Mr. Soares): What is the name of the boy with whom you saw her?

A. Well, the name was Willie Cluny.

Q. And without saying what conversation was had, did you discuss her with Willie Cluny at that time?

Mr. Richardson: I object to that, if your Honor please. It can have no possible bearing on this case.

Mr. Soares: Redirect examination, if the Court please. I'd like to be permitted to approach the bench with counsel and tell the Court what I expect to develop in that connection.

The Court: All right.

(Court and counsel confer.) [138]

The Court: The jury may be excused for a few minutes.

(Jury leaves courtroom at 10:00 a.m.)

Mr. Soares: Does counsel want the witness excused while I make an offer of proof?

Mr. Richardson: Yes.

The Court: This witness?

Mr. Soares: Yes.

Mr. Richardson: Yes, I'd like to have him excused.

(Witness leaves courtroom.)

Mr. Soares: We offer to prove, if the Court please, that on this occasion when he returned from Kauai and saw Sarah Lee Wright in Honolulu, a

fact which developed for the first time under cross-examination of this witness, Cluny asked him if he was sure that this was the same girl, that is to say, the same girl that he had seen with Cluny, and he insisted that it was. Whereupon Cluny produced photographs and he again identified the photographs as being photographs of this girl, that is to say, photographs of the girl whom he had first seen on Kauai and again saw in Honolulu in company with Cluny. Now, we expect to show that, of course, without the hearsay testimony, but by simply showing that as a result of this conversation between Cluny and Lewis that Cluny produced photographs and Lewis identified them as photographs of this girl.

Mr. Richardson: If your Honor please, of course our [139] objections are, first, that that couldn't be shown without some hearsay. You have got to show a conversation between this witness and Cluny, which they can't do; secondly, because all this witness is being offered for is for the purpose of showing the girl was on Kauai. All these things that occurred after they returned to Honolulu are immaterial and irrelevant.

The Court: The offer of proof is denied.

Mr. Soares: We save an exception.

The Court: Bring the jury in.

Mr. Soares: It won't be necessary to call the witness unless counsel——

Mr. Richardson: No, I don't want him.

Mr. Soares: In view of the Court's ruling.

(Jury returns to courtroom.)

(Witness excused.)

The Court: The Court is now assembled with the jury present. The jury is in the box. The offer of proof made is denied.

Mr. Soares: Save an exception to the ruling of the Court.

The Court: Proceed.

Mr. Soares: The exception is allowed, if the Court please?

The Court: Oh, it is noted.

Mr. Soares: Take the stand, Mrs. Lii. [140]

ALICE LII

a witness in her own behalf, being duly sworn, testified as follows:

Direct Examination

By Mr. Soares:

Q. What is your name? A. Mrs. Alice Lii.

Q. Where do you live, Mrs. Lii?

A. 1324 Gulick Avenue.

Q. How long have you lived there?

A. About five years.

Q. Are you married? A. I am.

Q. What is your husband's name?

A. Miner Lii.

Q. This is Miner Lii who sits at the table?

A. That's right.

Q. And you and he are the defendants in this case? A. We are.

(Testimony of Alice Lii.)

Q. How many children have you?

A. I have three.

Q. How old are they?

A. My youngest one is my boy, who is one year old. I have another boy who will be three pretty soon, three years. And my oldest is my girl, who will be nine years pretty soon.

Q. In the latter part of September or the first part [141] of October last year, were you in San Francisco? A. I was.

Q. And how did you get to San Francisco?

A. On a plane.

Q. On what airline did you travel?

A. It was the Skymaster.

Q. Is that one of the unscheduled flights?

A. That's right.

Q. Did your husband accompany you on that trip? A. He did.

Q. For what purpose did you and your husband go to San Francisco at that time?

A. Well, I had never been up to the mainland, and I always wanted to go up there, so we went there for a vacation.

Q. Do you know whether or not your husband had any relatives in San Francisco?

A. Yes, he got a brother out in San Francisco.

Q. What is his name?

A. It is Joseph Lii, but he is known as Dodo, D-o-d-o.

Q. Do you know what his business is?

A. He is a merchant seaman.

(Testimony of Alice Lii.)

Q. Do you know whether or not your husband ever was a merchant seaman?

A. Yes, he was.

Q. Did you have any plans with reference to this [142] vacation as, for instance, to how long you were going to stay and by what means you were going to return?

A. Well, my plans was to stay there about three weeks to a month.

Q. And did your plans include the manner of transportation you were going to use to come back?

A. Well, what do you mean by that?

Q. Well, had you made, had you planned to return by plane or by boat?

A. Oh, I planned to return by boat.

Q. When you purchased your tickets to leave here, did you get return trip tickets?

A. I did not.

Q. And why didn't you get return trip tickets?

A. Because I had in mind that I wanted to come back on a boat.

Q. When did you return to Honolulu?

A. It was on October 9th.

Q. And by what means did you return to Honolulu? A. Well——

Q. Just tell us what means, boat, plane or what?

A. By plane.

Q. And what plane?

A. It was the Pan-American.

Q. You have testified that your original plans

(Testimony of Alice Lii.)

were [143] to stay, I believe you said, three weeks or a month? A. That's right.

Q. And to return by boat? A. Yes.

Q. Now, why did you change your plans?

A. What do you mean by changing?

Q. Well, why didn't you come by boat and why did you come back so soon?

A. Well, the reason why I came back sooner than I expected was because while I was there I made a telephone call.

Q. Telephone call to where?

A. To the woman who was taking care of my three children.

Q. And did you learn anything by that telephone call? A. Yes, I did.

Q. What did you learn?

A. She told me that my mother was admitted to——

Mr. Richardson: I object to that as hearsay.

Mr. Soares: We are not trying to prove the facts of what she said. We are trying to prove the knowledge that came to this witness' attention upon which she acted.

The Court: Well, you have a direct way of proving it by her testimony——

Mr. Soares: That is why I am asking this question. [144]

The Court: ——that she acted a certain way in pursuance of the conversation.

Mr. Soares: All right. We will save an exception to the ruling of the Court.

(Testimony of Alice Lii.)

Q. (By Mr. Soares): As a result of this telephone call, did you change your plans?

A. I did.

Q. And was it because of what you had been told over the telephone that you changed your plans?

A. That's right.

Q. Now, why did you change your plans?

A. Well, this woman whom I talked to over the telephone——

Q. Well, the Judge says you can't repeat what she said. But what did you learn which caused you to change your plans?

Mr. Richardson: That is the same thing, if your Honor please. Ask her what she did. He can ask her that. And not what she learned because that is the same as asking her what somebody told her. She can state what she did.

Mr. Soares: I submit, if the Court please, that we have a right to present to the jury everything that occurred that caused her to change her plans. It doesn't make any difference what it was, whether it was something she knew of her own knowledge or whether it was something that she was told. The fact is that it resulted in her changing her [145] plans.

The Court: Well——

Mr. Soares: May I illustrate it this way, if the Court please: supposing she had been told on the telephone that her house had burnt down? Now, could we not bring evidence of that to show why she changed her plans? Not to show that her house ac-

(Testimony of Alice Lii.)

tually had burnt down but that she had been told that it had been burnt down. So she rushed back to attend to matters which naturally need to be attended to where there is a fire. And I say again, so there won't be any confusion, that that is not the thing that we are asking for but I speak of it merely to illustrate the point.

The Court: Well, you laid the rule down pretty tightly in this case itself. She can tell the fact that she did return here, which she already has testified to, and she can tell why, what prompted her.

Q. (By Mr. Soares): Why did you return?

A. I returned because my mother was in the hospital.

Q. When did you first learn that your mother was in the hospital? If you can't remember the day or the month, tell us the day of the week, if you can remember.

A. It was on a Thursday.

Q. And on what day of the week did you return from San Francisco?

A. I returned on Monday. [146]

Q. Was it the following Monday?

A. That's right.

Q. You saw Mary Lee Wright on the witness stand and heard her testify, did you?

A. You mean Sarah Lee Wright.

Mr. Richardson: You said Mary Lee; it is Sarah Lee.

Mr. Soares: I beg your pardon. Sarah Lee Wright.

The Witness: Yes.

(Testimony of Alice Lii.)

Q. (By Mr. Soares): When did you first meet Sarah Lee Wright?

A. The first time I met her was my second day in San Francisco.

Q. Your second what?

A. My second day in San Francisco.

Q. And where did you meet her?

A. It was in a bar.

Q. Do you know the name of that bar?

A. It is called "Blanco's." I remember the name "Blanco's" was on it.

Q. And can you tell the jury whether that is the same bar that Babe was referring to when he spoke of his dad's bar?

A. That is the one.

Q. Who, if anyone, introduced you to Sarah Lee Wright?

A. It was Babe who introduced us to her. [147]

Q. Was that in the daytime or nighttime?

A. It was in the night.

Q. After you were introduced to Sarah Lee Wright, what did you do and what did she do?

A. Well, we started to talk.

Q. Who were present when you were introduced to Sarah Lee Wright?

A. I don't remember who was there.

Q. Well, who was with you, if anybody?

A. When I was introduced to her?

Q. Yes.

A. Oh, Miner was with me.

Q. Had you and Miner gone to Blanco's bar together that night?

A. We did.

(Testimony of Alice Lii.)

Q. By the way, where did you stop when you arrived in San Francisco?

A. When I arrived in Oakland?

Q. Well, I meant at what hotel did you stop?

A. At the Grand Hotel.

Q. On what street, do you remember?

A. It's on Taylor.

Q. Taylor?

A. Yes, it's on Taylor Street.

Q. You say you arrived in Oakland? You mean the plane? [148]

A. The plane.

Q. Landed in Oakland? A. That's right.

Q. And did you leave Oakland immediately to go to San Francisco? A. Yes.

Q. And by what means did you go from Oakland to San Francisco?

A. We went on a bus, or whatever they call it, —a taxi where they have something like a limousine like——

Q. What time did you finally arrive at San Francisco and register at the hotel?

A. Well, it was some time in the morning but I don't remember the time.

Q. Do you know whether or not your husband was acquainted with the elder Blanco, the proprietor of Blanco's bar?

A. Yes, my husband and him were very good friends.

Q. Did you yourself know any of the Blanco family before? A. No, I did not.

(Testimony of Alice Lii.)

Q. Before you went to San Francisco?

A. No, I didn't know anyone.

Q. I believe you said your husband took you to Blanco's bar the first night that you landed in San Francisco, is that correct? [149]

A. That's right.

Q. And you met Babe there? A. Yes.

Q. And Babe introduced Sarah Lee Wright—

Mr. Richardson: If your Honor please, that is leading. There have been three or four questions. I don't mean to be objecting to everything but—

The Court: Yes, you have led her; it is different from her first testimony.

Mr. Soares: Would your Honor point out in what respect?

The Court: In this respect, that now you are having her say that she met Sarah Lee Wright the first night whereas she testified earlier that it was the second night.

Mr. Soares: I'm sorry.

Q. (By Mr. Soares): Can we get that straight, then, please, Mrs. Lii? Was it the first night you were in San Francisco or the second night?

A. The second night in San Francisco.

Q. Whom, if anybody, did you meet the first night you were in San Francisco?

A. Well, the first night, the first night we saw Miner's brother. That was Dodo.

Q. And did he accompany you—withdraw that. Where did you meet Miner's brother Dodo? [150]

(Testimony of Alice Lii.)

A. Well, he came up to our hotel.

Q. Do you know how he knew that you were in San Francisco?

A. Yes, my husband went to look for him at his hotel. He wasn't in. So he left word with the clerk at the desk that if he should come in to get in touch with us at our hotel.

Q. And did Dodo get in touch with you that first night? A. He did.

Q. Can you give the Court and jury any idea about what time it was that he got in touch with you at your hotel?

A. Oh, it was in the evening.

Q. Early evening or late evening?

A. Oh, I'd say about—it was getting to be kind of dark. I don't remember the exact time.

Q. Now, after Dodo came to your hotel and you met him, did you leave the hotel?

A. After Dodo came to our hotel?

Q. Yes.

A. Yes, the three of us left the hotel.

Q. And where did you go, if you can remember?

A. I am pretty sure that we went to a chop suey house. We had something to eat.

Q. Did you go to Blanco's bar that night?

A. Yes, we did.

Q. Did you meet anyone at Blanco's bar that night? [151] A. Yes, we saw Junior.

Q. And by Junior do you mean Babe's brother?

A. Yes.

Q. Did you meet anybody else that night?

(Testimony of Alice Lii.)

A. Well, I met the father, that is, Junior's father.

Q. Anybody else?

A. Well, I guess there's other people.

Q. Well, I mean that you were introduced to. Do you recall any others? Do you recall any others?

A. Maybe I was but I can't remember.

Q. How long did you remain in Blanco's bar the first night?

A. The first night? We stayed there for, oh, it wasn't too long.

Q. And then from there where did you go?

A. Well, since we weren't there Junior suggested that he take us around.

Q. And did he take you around?

A. He did.

Q. And who all were in the party?

A. Well, Junior was with another girl, and there was another couple and my husband and myself.

Q. Now, after taking you around, where did you finally stop?

A. You mean where—— [152]

Q. Where did the party break up? Let's put it that way.

A. I think it was down at Blanco's.

Q. Do you remember whether you went back to the hotel after Junior brought you back to Blanco's?

A. Yes.

Q. On the next night, that is, the second night you were in San Francisco, did you again go to

(Testimony of Alice Lii.)

Blanco's hotel, Blanco's bar? A. I did.

Q. And is that the time you say you met and were introduced to Sarah Lee Wright?

A. That's right.

Q. Will you tell the jury as much of the conversation that you can remember that took place between you and Sarah Lee Wright and your husband and any others who may have been together with you that second night at Blanco's bar?

Mr. Richardson: I object to conversations with any others. It is all right with these defendants and the witness, but we don't want just a general conversation thrown in here.

Mr. Soares: To prove what took place.

Mr. Richardson: It may prove what somebody said we never heard of.

The Court: Well, let's hear it.

Mr. Soares (to the witness): Will you go ahead and tell us? [153]

A. Well, the first time I met Sarah, well, we started to talk. She asked me, since I was from Honolulu—she heard so much about Honolulu that—she's never been down in Honolulu and that she always wanted to visit Honolulu. So she asked me what was the place like. I told her what Honolulu was like. Well, I guess that's about the only thing she asked me was about Honolulu.

Q. How long were you in Sarah Lee Wright's company that second night, that is, the first night you met her?

(Testimony of Alice Lii.)

A. Oh, it was about, I'd say less than half an hour.

Q. Do you remember what time, approximately what time you arrived at Blanco's bar on the second night that you were in San Francisco?

A. I don't remember the exact time but I know it was after seven o'clock.

Q. And how long did you remain at Blanco's bar?

A. You mean the second night I was there?

Q. Yes.

A. Oh, we didn't stay there too long.

Q. And from Blanco's bar where did you go?

A. Oh, we went to the night spots, like that.

Q. And who, if anyone, accompanied you to the night spots? I will withdraw that. Did anyone take you to the night spots? [154]

A. Yes.

Q. Who? A. It was Junior.

Q. This is the second night again?

A. The second night again.

Q. And who all went with you and Junior to the night spots?

A. The second night was Junior and his girl friend.

Q. The same girl that had been with him the night before? A. Yes, that's the same girl.

Q. And who else?

A. And my husband and I.

Q. Just the four of you?

A. That's right.

Q. I don't know whether you testified what day

(Testimony of Alice Lii.)

of the week was it that you arrived in San Francisco. Do you recall?

A. It was on a Monday morning.

Q. Do you know a girl by the name of Mary Chang? A. I do.

Q. Where did you first meet her?

A. I met her in Blanco's bar.

Q. And when did you first meet her?

A. I think it was the next night. The first night I met Sarah Lee Wright and the next night I met Mary Chang. [155]

Q. That is, you mean you first met Sarah Lee Wright? Then the next night, after meeting Sarah, you met Mary Chang? A. Yes.

Q. Was Sarah there when you met Mary Chang? A. Yes, she was there.

Q. Now, was anything mentioned by anyone while you and Sarah Lee Wright and Mary Chang were together in Blanco's bar?

A. Well, the night that I met Mary Chang, well, we, the three of us, were talking together at one of the tables there and Mary asked me about Honolulu, and we were all talking about this and that, you know.

Q. Now, that was Thursday, I believe you said. Was that before or after you had made the telephone call to Honolulu and learned about your mother going to the hospital?

A. That was before I got the telephone call.

Q. Now, after that Thursday, when was the next time that you saw Sarah Lee Wright?

(Testimony of Alice Lii.)

A. I saw her in Blanco's bar.

Q. When after Thursday?

A. I can't remember. It was in the afternoon or in the night.

Q. But was it the next day or more than one day afterwards? Or can you remember?

A. Yes, it was the next day.

Q. And who else was there besides you and Sarah Lee [156] Wright on the Friday, being the day after you received the call from Honolulu?

A. Well, Thursday was the night I got the call. I made the call to Honolulu. And Friday, Friday, I don't remember if I saw Sarah during the afternoon or in the night.

Q. And when you did see her, who all were together with you and Sarah?

A. Sarah was in the bar with that Sampson, that Frank Sampson.

Q. Babe? A. Babe.

Q. And did she join you or you joined her when you got to the bar that Friday night?

A. I don't remember that.

Q. Well, did there come a time during this visit when Sarah said anything to you about coming to Honolulu?

A. Yes, she said that she wants to come to Honolulu.

Q. Do you remember when that was that she first said definitely she wanted to come to Honolulu?

(Testimony of Alice Lii.)

A. I am not sure if she said that Friday night when we went out together.

Q. Had you said anything to her about your plans for returning to Honolulu?

A. Yes, I told her that I was coming back sooner than I expected. [157]

Q. Mrs. Lii, it has been testified that you went to the Pan-American office in San Francisco and got the tickets, portions of which are in evidence——

Mr. Richardson: No, sir, if your Honor please, no testimony as to that. She called up and made a reservation. There has been no proof that she went to the Pan-American office.

Mr. Soares: Well, we can save time. May I have the tickets?

The Court: Will you read that question back?

(The reporter read the last question.)

The Court: I think you are wrong about that.

Mr. Soares: Very well. I will withdraw it.

Q. (By Mr. Soares): Mrs. Lii, I show you Government's Exhibits "A-1" and "A-2," which the witness Velazquez identified as being portions of the tickets issued for the passage of your husband and yourself and Sarah Lee Wright, and yourself. Who, if you know, obtained those tickets from the Pan-American Airlines? (Handing exhibits to the witness.) A. I did.

Q. Whose money paid for the ticket which is Exhibit "A-1" issued to your husband and you?

(Testimony of Alice Lii.)

A. It was our own money.

Q. Whose money paid for the ticket which was issued in the name of Sarah Lee Wright and you? [158]

A. Sarah's money.

Q. It has been testified here that \$560 was paid for these tickets and that of that money \$450 were in Traveler's checks. Did you give any Traveler's checks to anybody in the Pan-American Airlines office for these tickets?

A. Yes, I gave them Traveler's checks.

Q. How much in Traveler's checks?

A. It was \$450.

Q. I think you call this a cash slip, which is Government's Exhibit "B," which shows that a total of \$560 was paid. I believe you now testified that \$450 were your Traveler's checks?

A. That's right.

Q. And did you hand the clerk the difference in cash between \$450 and \$560?

A. Well, I gave him the \$450 in Traveler's checks and the rest was in cash to make up for that money.

Q. Had you received any money from Sarah Lee Wright before you got these tickets?

A. Yes, I did.

Q. How much money had you received from Sarah Lee Wright?

A. It was \$184.

Q. And did she give that to you in cash or some other form? [159]

A. It was in cash.

Q. Now, if you had received cash from Sarah Lee Wright, why did you use your Traveler's checks in part payment of the tickets?

(Testimony of Alice Lii.)

A. Well, since I had that \$450 in Traveler's checks and I was coming home, and Sarah Lee gave me her money for her ticket, so I bought the tickets with my Traveler's checks; since I was coming home I wanted cash. So I bought the tickets with my Traveler's checks.

Q. When did you receive the \$184 from Sarah Lee Wright?

A. Well, it was right after she made, she found out from the Pan-American office the price of coming down here, the price of purchasing the ticket.

Q. Do you know how she found out the price of the ticket? A. Yes, she called up.

Q. Do you know from where she called up?

A. Yes, it was from—in a private, public telephone booth.

Q. What do you mean by a private public telephone booth?

A. It's the telephone booth where the telephone is by itself.

Q. That closes up?

A. Yes, something like that.

Q. And did you see her enter that telephone booth [160] which she used? A. I did.

Q. And where was that telephone booth located with reference to Blanco's bar?

A. Well, it's a service station and the telephone booth is by itself.

Q. And where is Blanco's bar with relation to the service station?

(Testimony of Alice Lii.)

A. It's right across the street.

Q. At that time, Mrs. Lii, were you familiar with the use of the dial telephones in San Francisco?

A. No, I was not.

Q. On that occasion did you enter the telephone booth with Sarah Lee Wright?

A. Well, she went in first and I was standing right outside because I couldn't get in there with her.

Q. Were you in a position to hear her conversation over the telephone? A. Yes.

Q. Who, if you know, made the reservations for these tickets, part of which are in evidence in this case? A. Sarah made the reservations for us.

Q. Was Miner Lii there at that time?

A. He wasn't with us at the telephone booth.

Q. Where had you left Miner Lii when you went to the [161] telephone booth across?

A. In Blanco's bar.

Q. Whose idea, if you know, was it to use the telephone booth at the service station across the street from Blanco's bar?

A. It was Sarah's idea.

Q. Did she say anything to indicate why she used that particular telephone booth or telephone, rather than any other?

A. Yes, because she says that for us to go across the street and use the telephone because the telephone in Blanco's bar is right next to the music box, and with the music going on you can't—you can hardly hear anything on the telephone.

(Testimony of Alice Lii.)

Q. After Sarah Lee Wright had made the telephone reservations for these tickets, did she discuss with you plans about getting down to the airport?

A. No, I don't remember if she did.

Q. Let's put it this way: How did you get down to the airport?

A. It was Babe who took us down to the airport.

Q. And what means of transportation did he use?

A. His car.

Q. And who all were in the car that took you to the airport?

A. There was Babe, Sarah and Mary.

Q. Anybody else? [162]

A. And Miner and myself.

Q. And who? A. And Miner and myself.

Q. Five of you? A. Five of us.

Q. And where did you and Miner get into Babe's car the morning or the day that he took you to the airport? Where? A. Where did he take us?

Q. No, where did you get into the car?

A. Oh, we were sitting in the back.

Q. Where were you just before you got into the car? A. Down at our hotel.

Q. That is, Babe picked you up at your hotel?

A. That's right.

Q. Was anybody with Babe when he picked you up at your hotel?

A. Yes, he was with Sarah and Mary.

Q. And after picking you up at your hotel, where did you then go?

A. Went down to the airport.

(Testimony of Alice Lii.)

Q. And did you and Miner, Sarah and Mary get into the plane at the airport and come to Honolulu? A. Yes.

Q. Had you said anything to Sarah and Mary about where they were to stay in Honolulu? [163]

A. Well, I told them that, being that they were so nice to us up the mainland, so I told them they could stay with us for a while until they found a place of their own.

Q. And after you arrived in Honolulu, did they stay with you at your home?

A. They stayed with me.

Q. Who left your home first, Sarah or Mary?

A. Sarah.

Q. How long did Sarah stay at your home at the time she left, more or less, if you can remember?

A. About—I remember it was about, maybe a week before Thanksgiving, but it was somewhere before Thanksgiving.

Q. Just before Thanksgiving?

A. It was before Thanksgiving she moved out.

Q. Did Sarah tell you what her plans were when she moved out?

A. Yes, she says that she got a place and that she was going to live out.

Q. Did she tell you where the place was?

A. No, she didn't tell me where it was but after she moved out she called me up and told me where it was.

Q. And what did she tell you?

A. It was at Queen's Hotel.

(Testimony of Alice Lii.)

Q. Was that the same day that she moved out or a later date, if you can remember? [164]

A. The day she moved out.

Q. Pardon?

A. I don't—it wasn't the first day she called me up when she moved out.

The Court: I think this is a good time to take a recess.

(A short recess was taken at 10:45 a.m.)

Mr. Soares: Shall I proceed, your Honor?

The Court: Yes. The jury is in the box—all present.

Q. (By Mr. Soares): Mrs. Lii, did you ever discuss the subject of prostitution with Sarah Lee Wright in San Francisco? A. I did not.

Q. Speak up, please. A. I did not.

Q. Did you know she is a prostitute?

A. No, I didn't know that.

Q. Did you go to San Francisco with your husband for any other purpose than the one you have testified to, namely, for a vacation?

A. The only thing we went up there for was for a vacation.

Q. Did you have any idea of recruiting prostitutes? A. No.

Q. Have you ever had any connection with prostitutes [165] in a commercial way? A. No.

Q. From anything that Sarah Lee Wright told you, or from any other source, did you know anything about the proposition of her coming to Hono-

(Testimony of Alice Lii.)

lulu to practice prostitution in your home and divide the money equally between you and her or you and your husband and her? A. No.

Q. She has testified that you wouldn't leave her out of your sight while she was in Honolulu. Is that true? A. That is not true.

Q. Did you make any effort to control her movements in any way? A. I did not.

Q. And can you say, as a matter of fact, that there were occasions when she was away from your home while you remained at home? Would she go out by herself, in other words? A. She did.

Q. Did you ever accompany her while she lived with you?

A. Well, there was a time when she asked me where was the Brown Derby located at.

Q. Did she tell you why she wanted to know where the Brown Derby was? [166]

A. Yes, she says that she had a girl friend who is working in the Brown Derby.

Q. And did you point out the Brown Derby to her? A. I did.

Q. Did you ever remain at home while Sarah Lee Wright went out somewhere else, leaving you at home?

A. Yes, I was home with my children.

Q. A few or many times?

A. Oh, that happened a lot of times.

Q. And when she left your home telling you she's going to live somewhere else, what time of the day or night did she leave? I don't mean the exact

(Testimony of Alice Lii.)

hour but was it day or night? Do you remember?

A. I think it was in the night.

Q. Can you tell us whether it was late at night or early evening or when?

A. No, I don't think it was too late.

Q. Had there been any difficulty between you and her? A. No.

Q. And when she left were you still friends?

A. Yes, we were.

Q. Had she talked about leaving prior to her actually going?

A. Yes, she did, a few times.

Q. For how long a period had she mentioned the fact [167] that she was going to move out? In other words, Mrs. Lii, how long did you know that she was going to move out before she actually went?

A. I think it was about two weeks. It was about two weeks when she started to tell me about, you know, about looking for a place.

Q. Did I understand you to say earlier in your testimony that in San Francisco you had told her that she could stay with you for a while?

A. For a while.

Q. And I believe you said you also extended the same invitation to Mary Chang? A. Yes.

Mr. Richardson: If your Honor please, that is just as leading as it can be. I object to the form of the question.

Mr. Soares: She has already testified to it. I am just drawing to her attention her testimony.

(Testimony of Alice Lii.)

Q. (By Mr. Soares): How long did Mary Chang stay with you?

A. She stayed with me until she went back to the mainland.

Q. Well, how long would that be?

A. Well, it was in October she stayed with me, up to, I think it was before January.

Q. Well, who left first, Mary Chang or Sarah Lee Wright? [168] A. Sarah.

Q. Did you have any arrangements with Mary Lee Wright to use your home as a place of prostitution? A. No.

Q. Did you ever know of Miner Lii making a proposition to Mary Lee Wright to come to Honolulu to practice prostitution? A. No.

Q. Was that ever discussed between you and Miner? A. No, it wasn't discussed.

Q. Did Mary Lee Wright ever tell you that?

A. No.

Q. After Mary Lee Wright telephoned to you, saying she was stopping at the Queen's Hotel, did you hear from her direct any more after that, as far as you can remember?

A. Yes, I heard from her.

Q. What's that?

A. I heard from her again.

Q. And how many times did you hear from her after she went to Queen's Hotel?

A. Well, she used to call me up, talk to me over the telephone.

(Testimony of Alice Lii.)

Q. Did you remain friends, friendly during all that period? A. Yes, we did. [169]

Q. Did she tell you anything about what she was doing? A. No, she did not.

Q. I have been saying "Mary Lee Wright." You knew who I was talking about? A. Yes.

Q. It is Sarah Lee Wright? A. Yes.

Q. Did you ever offer to pay Sarah Lee Wright's transportation to Hawaii? A. No.

Q. Did you actually pay Sarah Lee Wright's transportation to Hawaii, or did she pay for it herself? A. She paid for it herself.

Q. And did you have anything to do with her transportation other than handing the clerk the Traveler's checks and money for the tickets and picking up the tickets?

A. No, I had nothing to do with it.

Q. Did you ever receive money from Mary Lee Wright from her prostitution? A. No.

Q. In all the time she was in Honolulu, did you ever receive money from her for any purpose?

A. Not for anything.

Q. And outside of the \$184 which you say she gave you for the ticket, had you ever at any time or any place received [170] any money from Mary Lee Wright?

A. No. The only money I received from her was the \$184 for the ticket.

Mr. Soares: May I take the indictment? (File handed to Mr. Soares.)

Q. Did you on October 9, 1950, or at any time

(Testimony of Alice Lii.)

procure and obtain a ticket from the Pan-American World Airways office in San Francisco for the purpose of bringing Sarah Lee Wright to Honolulu to practice prostitution?

A. No, not for that purpose I didn't buy that ticket.

Q. And when you say you didn't buy the ticket, did you buy the ticket with your money for any purpose?

A. The money she gave me for her ticket. That is the money I bought.

Q. And did she tell you why she wanted to come to Honolulu?

A. Well, she told me she wanted to come down here for—she wanted to see these islands; she wanted to come down for a vacation.

Mr. Soares: You may cross-examine.

Cross-Examination

By Mr. Richardson:

Q. Mrs. Lii, you all still reside at 1324 Gulick Street? A. That's right.

Q. I believe you stated on direct examination you lived [171] there about five years?

A. That's right.

Q. Is that right? Now, when were you and your husband Miner Lii married?

A. We were first married in 1945.

Q. And you were divorced?

A. We were divorced.

(Testimony of Alice Lii.)

Q. Do you remember the date of the divorce?

A. I remember the month and the year.

Q. Well, as a matter of fact, it was April 12, 1948, was it not? Does that sound about right?

A. I don't remember what day it was but I know it was in April, 1948.

Q. It was in April, 1948? A. Yes.

Q. And then, when did you re-marry?

A. In March or April after I came back from the mainland.

Q. That was in March of this year, was it not? March of 1951? A. Yes.

Q. And the last marriage, Mrs. Lii, was after this indictment had been returned, was it not?

A. That's right.

Mr. Soares: We object to that as incompetent, irrelevant [172] and immaterial.

Mr. Richardson: Well, it is a matter of record.

Mr. Soares: We don't deny it. She has admitted it. But the date is there if it serves any useful purpose with relation to the indictment itself already before the jury.

The Court: Well, she testified that she was married to him and had so many children, and so forth. I think the question is perfectly legitimate.

Mr. Soares: Save an exception.

The Court: Re-married when, March of what year?

Q. (By Mr. Richardson): Was it March 28, 1951, do you recall, Mrs. Lii?

(Testimony of Alice Lii.)

A. I don't know if it was on the 28th or not. But it was somewhere in March.

Q. March of this year? A. Yes.

Q. Now, Mrs. Lii, you have three children?

A. That's right.

Q. Can you give me their ages again?

A. My baby is a year old. My second one will be three years old. My girl is—she will be nine.

Q. Now, Mrs. Lii, you don't work, is that correct? You stay home and kept house?

A. That's right.

Q. And have you been doing that the entire five years [173] that you have lived up on Gulick Street?

A. No. I was working while living at the address.

Q. Working when? When is the last time you worked? A. I think it was in '47.

Q. Forty-seven? A. That's right.

Q. And for the last four years or thereabouts you have stayed home and kept house?

A. That's right.

Q. Now, what sort of business is your husband in? What does he do?

A. Well, at the present he is not doing anything.

Q. When is the last time he worked?

A. Oh, he was a seaman before but he hasn't been shipping out quite some time.

Q. Well, now, just about how long was it. Give us your best recollection? How long has it been since he worked?

A. About ten years, maybe more.

(Testimony of Alice Lii.)

Q. About ten years? A. Yes.

Q. Now, Mrs. Lii, you all own that property up on Gulick Street? A. Yes.

Q. Mrs. Lii, do you still have the Cadillac car that your husband drove last year? [174]

Mr. Soares: Just a minute. There is no evidence that he drove a car last year or at any time, or that it was her car so that she would still have it.

Mr. Richardson: I will withdraw that question.

Q. Your maiden name was Alice Woo, was it not? A. That's right.

Q. Now, in 1950, a 1950 Cadillac sedan was registered in your name, was it not?

Mr. Soares: We object to that as not cross-examination. Nothing was said about her source of income or property that she owned or anything.

Mr. Richardson: It is material in this sense—

The Court: It is following the same line that you did, I assume. It is going into the witness' credibility.

Mr. Soares: Going into what? I didn't hear.

The Court: Credibility.

Mr. Soares: Credibility of an ownership of a car that wasn't referred to? All my questions that your Honor refers to related to questions that Counsel had asked the witness. The credibility was directed to new matter brought out.

Mr. Richardson: She hasn't worked for four years and her husband hasn't worked for ten. It is material in that sense.

Mr. Soares: My wife hasn't worked for thirty-

(Testimony of Alice Lii.)

three, and I dare you to say that she gets her money improperly. [175]

Mr. Richardson: May I proceed?

The Court: What is before the Court? Yes, go ahead.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Did you answer that question?

A. I don't remember the question.

Q. In 1950 did you have a 1950 Cadillac sedan registered in your name? A. Yes, there was.

Q. Now, in 1949 you had a Lincoln Cosmopolitan sedan in your name?

Mr. Soares: May we have an objection and exception to this line of questions all the way through, your Honor, without making the objection each time?

The Court: Yes. Same ruling.

Mr. Richardson (to the witness): That's correct, is it not?

The Court: After this you had better make specific objections.

Mr. Soares: Very well. We object to this question as incompetent, immaterial, irrelevant, and not proper cross-examination.

The Court: The last question has been answered?

Q. (By Mr. Richardson): Did you answer, Mrs. Lii? [176] A. What was the last question?

Q. About the 1949 Lincoln Cosmopolitan sedan.

A. It was registered.

Q. Registered in your name? A. Yes.

(Testimony of Alice Lii.)

Q. Now, during the five years that you and Miner Lii have lived up in Gulick Street, who else has lived in the house with you?

A. In the house? Well, there was——

Q. Please speak a little bit louder. I'm afraid the jury can't all hear.

A. There was my husband, my three children, and we had his brother stay with us.

Q. Miner's brother? A. Miner's brother.

Q. Is that Dodo? A. No, another brother.

Q. He has a brother named Lawrence also, does he not? A. Lawrence, yes.

Q. Which was the one that stayed?

A. Joe.

Q. Joe? A. Joe.

Q. Who else stayed there?

A. Well, there's another brother that comes in from [177] sea when he comes in; he spent a few nights in the house and goes back again.

Q. Well, now, have there been any girls stay up there, Miss Lii?

A. Well, the only time there was when we had Sarah Lee Wright and Mary Chang.

Q. That's the only time? That's the only time that any girls have stayed up there for any length of time, is that correct?

A. And also there was this other brother, Teddy, who was staying with us.

Q. Well, I am speaking now of girls. What other girls have stayed there besides Sarah Lee Wright and Alice Chang?

(Testimony of Alice Lii.)

A. Well, while my brother-in-law was staying with us, he used to bring this girl with him all the time, who was going with him.

Q. Wasn't she living with you there, or would he just bring her there?

A. Well, she's there sometimes.

Q. Do you remember her name?

A. Yes, it was Barbara.

Q. Barbara? Do you know a Miss Lorraine Staunton? A. Lorraine Staunton?

Q. Lorraine Staunton.

A. That name sounds familiar to me. [178]

Q. Well, do you recall that she stayed up there for a while? A. Not that I remember.

Q. You don't remember that? A. No.

Q. All right. Do you know a Barbara Andrade?

A. Yes, I know Barbara Andrade.

Q. Is that the same Barbara that you spoke of a while ago? A. Yes.

Q. She stayed up there for a while?

A. Oh, yes.

Q. Stayed there a year? A. About that.

Q. How long did Miss Staunton—you say, you don't recall Miss Staunton stayed there or not—was that your answer? A. Not that I remember.

Q. All right, Miss Lii. Now, you went to San Francisco for a vacation? A. That's right.

Q. How long were you there before you got this telephone call with reference to your mother?

A. I was there from Monday, Thursday—Thurs-

(Testimony of Alice Lii.)

day I made a call. That's when I found out my mother——

Q. You made the call from San Francisco to Honolulu? [179] A. That's right.

Q. And whom did you call?

A. The woman who was taking care of my children.

Q. And you didn't call directly to your mother, then? A. No.

Q. At that time was your mother in the hospital?

A. She was.

Q. And when you called with reference to your children, then you found that your mother was in the hospital? A. That's right.

Q. Was that Queen's Hospital?

A. Queen's.

Q. And what is your mother's name, Mrs. Lii?

A. It is Mrs. Kang Sun Yee, K-a-n-g, S-u-n, Y-e-e.

Q. That is the name she was registered in the hospital——

Mr. Soares: We object to that, if the Court please. It is leading and suggestive, calling for a conclusion.

Mr. Richardson: It couldn't be leading on cross-examination.

Mr. Soares: True enough, it is not a legitimate objection on cross-examination, although it is leading. It could be leading but——

Mr. Richardson: It couldn't be leading on cross-examination.

(Testimony of Alice Lii.)

Mr. Soares: Let's not quibble. Leading questions are [180] permissible on cross-examination. The question is leading. But what we object to, if the Court please, is calling for a conclusion of the witness and based on hearsay, because she was not here when her mother entered into the hospital, and nothing was shown as to that, and it assumes something not in evidence, namely, that she knew under what name her mother was admitted to the hospital.

Mr. Richardson: I will ask her if she knows under what name.

Q. (By Mr. Richardson): Do you know what name your mother used in the hospital?

A. I don't know.

Q. Did your mother use the name of Mrs. Kang Sun Yee generally out here?

A. She used that name.

Q. Did you ever know of her to use another name?

A. Not unless she went under my father's name.

Q. Now, your father has been dead for some years, has he not?

A. That's right.

Q. What was your father's name?

A. It is Woo.

Q. W-o-o? A. W-o-o. [181]

Q. Did your mother re-marry, or how did she come to use the name of Kang Sun Yee?

A. That is her maiden name.

Q. That is her maiden name? A. Yes.

Q. Now, you got this call, as I understood from you, on a Thursday?

A. It was Thursday.

(Testimony of Alice Lii.)

Q. And you left the following Monday and came back to Honolulu? A. That's right.

Q. Now, Mrs. Lii, the first night that you were there in San Francisco, you didn't meet Sarah Lee Wright? A. No.

Q. That is correct, isn't it? You met Junior?

A. I met Junior.

Q. Junior is Frank Sampson's brother, is he not?

A. Yes.

Q. And both Junior and Frank are old friends of your husband Miner, isn't that correct?

A. That's right.

Q. Now, that was at Blanco's bar where you met them the first time you were there?

A. Blanco's bar.

Q. And that must have been on a Monday night, then, [182] if it was the first day you were there?

A. That's right.

Q. And the second night that you were there, you did meet Sarah Lee Wright? A. I did.

Q. And where did you meet her that night?

A. In Blanco's bar.

Q. That is the first time you had ever seen her in all your life? A. Sarah Lee Wright?

Q. Yes. A. Yes.

Q. You were with Miner and Junior and Junior's girl friend, is that correct?

A. On what night?

Q. On the night that you met Sarah Lee.

A. The night that I met Sarah Lee Wright, that

(Testimony of Alice Lii.)

was in the bar. But Junior wasn't with us at that time.

Q. Junior was not with you? Well, who was with you besides Miner Lii?

A. Miner, myself, and Babe introduced us to Sarah.

Q. Oh, you met Babe instead of Junior that night?

A. Well, after a while we went out with Junior.

Q. Went to another bar?

A. In Blanco's bar. [183]

Q. Well, didn't you also state you went to other night clubs that night later on?

A. On that same night?

Q. On the night that you met Sarah after leaving Blanco's bar, didn't you all go to other bars? Didn't you go to other night clubs?

A. I went to—yes.

Q. Did you go in Junior's car?

A. Well, I went in a car Junior was driving.

Q. He was driving the car?

A. Yes.

Q. Now, when you first met Sarah on the first night you met Sarah, do you recall you all going out to the car and sitting in the car and having a conversation? A. No.

Q. You don't remember that? A. No.

Q. Junior did have a car?

A. Well, the car we all went in?

Q. That's right, the car that he took you around to other places that night.

(Testimony of Alice Lii.)

A. That's right.

Q. And the car was right there in Blanco's bar?

A. Well, I don't know where the car was at, but all I know, we met him outside the car. We went in the car and [184] took off.

Q. You don't recall going out and sitting in the car with Junior, Sarah Lee, Miner and yourself and having a conversation?

A. No, we didn't go in no cars with Sarah Lee Wright.

Q. Later on when you did go to other night clubs with Junior, that is, in Junior's car, was Sarah Lee with you?

A. No, she wasn't with us.

Q. She was not? A. No.

Q. Well, how long do you suppose that you talked to her in all that night, just as a matter of minutes, 30 minutes, 40 minutes or what?

A. Well, the first night I met her I talked about, oh, about a half hour.

Q. Well, was anything said about coming to Honolulu at that time?

A. No, we didn't talk about that. She asked what, she asked me about Honolulu, how was the place.

Q. She asked about it? A. Yes.

Q. But nothing was said at that time about her coming?

A. No, she didn't mention anything.

Q. All right. That was on a Tuesday night, is that correct? [185] A. That's right.

(Testimony of Alice Lii.)

Q. Now, when did you see her the next time?

A. On Wednesday night.

Q. On Wednesday night? And was that also at Blanco's bar? A. That's right.

Q. And what, if anything, was said about coming to Honolulu on that night?

A. That Wednesday night, that is the night when I was talking to Sarah. Sarah and I were talking and that's when I met Mary Chang.

Q. You met Mary Chang the same night?

A. On the next night.

Q. That is the following night after you met Sarah Lee you met Mary Chang?

A. That's right.

Q. Well, were you all talking to both of them about coming to Honolulu?

A. Well, we were all talking about Honolulu.

Q. Well, were you talking about—was Sarah Lee and Mary Chang, were they talking about coming over here?

A. Well, they had that in their mind; they said they don't mind coming down to Honolulu.

Q. They said they didn't mind coming?

A. They wanted to come here just for a vacation, you [186] know, or something.

Q. Did you tell them when you were coming over? A. No.

Q. Nothing was said at that time about them coming back with you then?

Mr. Soares: Meaning the Wednesday night?

Mr. Richardson: Yes, on the Wednesday night.

(Testimony of Alice Lii.)

Q. Was anything said about Mary and Sarah coming back with you?

A. No, I don't think so.

Q. All right. Now, how long did you talk to her on that night, to Sarah Lee?

A. It wasn't too long.

Q. Just a short conversation? A. Short.

Q. When did you see her the next time?

A. It was the next night I saw her. That was Thursday night.

Q. You saw her again Thursday night?

A. I saw her Thursday.

Q. That was at Blanco's bar? What was said at that time about coming to Honolulu?

A. Well——

Mr. Soares: I object to that as assuming something not in evidence that anything was said. [187]

Mr. Richardson: I will rephrase it.

Q. If anything was said about coming to Honolulu, what was it?

Q. You saw her again Thursday night?

Q. This is on Thursday.

A. Gee, I can't remember.

Q. Well, let me ask you this: Was anything said about coming to Honolulu, that is, coming to Honolulu, not coming back?

A. No, I don't remember if I said anything about coming back or not.

Q. Then you didn't tell them at that time when you were returning, did you?

A. Well, I think I remember telling them that

(Testimony of Alice Lii.)

I was going to stay there for about three weeks or a month.

Q. Stay there about three weeks? Well, now, up to that point, Mrs. Lii, had anything been said about them coming with you to Honolulu or were they just coming, just talking about wanting to go for a vacation? A. On the same day?

Q. On Thursday night. What I am trying to get at is, when did you first start talking about coming together, that is, the three of you, the two of you, whoever was talking about it?

A. I don't remember. It was on—I don't remember if it [188] was on a Thursday night or not.

Q. You say it was not on Thursday?

A. I don't remember.

Q. I see. Well, was that still at Blanco's bar? I mean where you all were talking. A. Yes.

Q. And what did you do after the conversation? Did you all go somewhere together?

A. We went out together.

Q. To another night club?

A. That's right.

Q. Was Miner with you? A. Yes.

Q. Is that this night that I think you used the words to Mr. Soares "the party broke up at some bar, at Blanco's bar," do you recall?

A. On what night was that?

Q. This is still Thursday night.

A. I don't remember.

Q. I beg your pardon?

A. I can't remember that.

(Testimony of Alice Lii.)

Q. Well, now, it was on Thursday night that you made the call to Honolulu, wasn't it?

A. That's right.

Q. And what time was that? Was that after you left [189] the bar?

A. Yes.

Q. Well, about what time of the night was it?

A. Well, when I got home, I went up to the hotel, I mean——

Q. Was it late at night?

A. It could have been before 12 or a little after 12. I don't know the time.

Q. A little after 12 that you called——

A. It could have been before that or a little after. But I can't remember the exact time.

Q. Well, it was around 12 that you called to find out about your children and found that your mother was in the hospital, is that right?

A. It was around that time. I can't say for sure it was.

Q. All right, now. When did you see Sarah the next time?

A. Friday.

Q. And what time of day was that?

A. Well, I don't remember. I am not sure it was in the afternoon or it was in the night.

Q. Well, what, if anything, was said about coming to Honolulu at that time?

A. Well, she told me she had a mind to coming to Honolulu. [190] Then I told her, I think I told her that I was coming back sooner than what I expected.

(Testimony of Alice Lii.)

Q. Well, did you tell her when you were going to come back?

A. I don't remember if I told her when I was coming back.

Q. You don't remember? Was that Friday night?

A. It could have been in the night or in the afternoon. I can't remember now.

Q. Was Mary Chang there when you had this conversation?

A. Mary Chang? No, I don't think she was there.

Q. You say you can't recall whether that was Friday afternoon or Friday night, is that correct?

A. That's right.

Q. Well, now, didn't you state, Mrs. Lii, that Sarah made a telephone call Friday afternoon and made a reservation for the tickets?

A. Well, I told you I didn't remember whether it was in the night or afternoon.

Q. Well, if you remember that she made the telephone call in the afternoon, why is it you can't remember whether you saw her Friday afternoon or Friday night?

Mr. Soares: We object to that as argumentative, if the Court please. She hasn't been positive that she saw her Friday afternoon. [191]

Mr. Richardson: She was positive about the reservation call.

Mr. Soares: Yes, that was fixed in her mind. She didn't know how to use the telephone. There is nothing about the incident either on direct or cross-examination so far to indicate anything to fix

(Testimony of Alice Lii.)

it in her mind whether it was afternoon or night. Counsel is simply arguing with the witness when he asks this question.

The Court: Overruled. Proceed.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Why is it that you can't remember whether you saw her in the afternoon or at night, Mrs. Lii, if you are so positive that she called for the reservations in the afternoon?

A. I remember it was in the day that she made the reservation.

Q. Mrs. Lii, as a matter of fact, she didn't call for the reservation, did she? A. She did.

Q. And you were there and you heard her?

A. I did.

Q. You were standing by the telephone booth?

A. I was.

Q. What is the difference in the telephones between [192] San Francisco and Honolulu?

A. Well, I think you have to dial the first two letters first before you dial the number. Something like that.

Q. And you never used a telephone like that before?

A. I never used a telephone like that before.

Q. You used a dial telephone before, didn't you?

A. Well, the telephone that we have down here, that's the kind of telephone I use.

Q. That is a dial telephone?

A. That's right.

Q. And you say you couldn't make the call there

(Testimony of Alice Lii.)

because you didn't know how to manipulate the dial? A. No, I didn't know how.

Q. That was on Friday and you left there Monday morning and came back here? A. I did.

Q. Did you see her any more between Friday and Monday morning?

A. Sunday night, Sunday night I saw her.

Q. At a bar? At some bar there?

A. Well, at Blanco's bar.

Q. At Blanco's bar? Well, at that time was anything further said about her coming to Honolulu?

A. Well, that is, the tickets were all arranged and everything like that, and she had her own ticket. I had my [193] own, and——

Q. Oh, she had a ticket at that time? Did you say she had her ticket and you had yours?

A. Well, after she had made the reservation, I went down to pick up the tickets, so I gave her her ticket and I had my own.

Q. And when did you get this \$184 from——

A. Her ticket. She gave me the \$184 for her ticket.

Q. When did she give you that?

A. The day she made the telephone call.

Q. The day she made the telephone call?

A. That's right.

Q. Now, when was it decided that Mary Chang was going to come?

A. Oh, I don't know. She spoke about coming down to Honolulu but I didn't know if she was

(Testimony of Alice Lii.)

coming down or not. But I invited her over to my home.

Q. You invited her over? A. I did.

Q. And who paid for her ticket?

A. She paid her own.

Q. She paid her own way?

A. That's right.

Q. And these girls whom you only met on only three or four different occasions, you invited them to come over here [194] and stay with you in Honolulu? A. That's right.

Q. Now, Mary Chang stayed out at your house until, you said, shortly before January, I believe?

A. Yes.

Q. And Sarah left in November around Thanksgiving? A. Yes.

Q. And you say nothing was ever said in Honolulu about Sarah coming over here to practice prostitution? A. Nothing was said like that.

Q. No arrangements were made for you to pay her and Miner half of the money she made?

A. No.

Q. That was never mentioned?

A. That was never mentioned.

Q. Now, I asked you about a minute ago about Lorraine Staunton, do you recall?

A. Like I told you, that name sounds familiar.

Q. But you are not sure whether she ever stayed at your house or not?

A. Well, I know no one there by that name was staying at my house.

(Testimony of Alice Lii.)

Q. You deny that in April of 1950 Lorraine Staunton stayed at your property up there on Gulick Street for three days as a prostitute and gave half the money to you and Miner? [195]

A. There was nothing like that happened.

Q. That didn't happen? A. No.

Q. Do you recall a Barbara Andrade?

A. Yes, I remember Barbara.

Q. Who stayed at your house?

A. Yes, she was staying there.

Q. I believe that you said that you didn't recall if she stayed there as much as a year. That is true, isn't it? A. She was there for about a year.

Q. I beg your pardon? I thought you said she was not before. Do you deny that Barbara Andrade worked up there as a prostitute?

A. No.

Q. That didn't happen? A. No.

Q. Now, Mrs. Lii, you were arrested on December 30th of this year, charged with interfering with the duties of a police officer——

Mr. Soares: We object to that as incompetent, irrelevant and immaterial and not proper cross-examination on the question of arrest.

Mr. Richardson: If your Honor please, he asked Mrs. Wright where she had been charged with offenses that weren't even taken to court. [196]

Mr. Soares: I don't know about having done that, if the Court please, but if I had that wouldn't excuse Counsel committing the same error now. If

(Testimony of Alice Lii.)

I did, I don't recall it. But Counsel certainly didn't object to it.

Mr. Richardson: I certainly did.

Mr. Soares: I submit that it is not a proper question, a mere charge or arrest of a person. That tends to prove——

Q. (By Mr. Richardson): If you were arrested on that charge and received a suspended sentence of 13 months on the charge of interfering with the duties of a police officer——

Mr. Soares: We object to that as incompetent, irrelevant and immaterial.

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Is that true, Mrs. Lii? A. That is true.

Q. On the occasion of that arrest it was when an officer went to your house with a warrant charging Miner with soliciting, wasn't it?

Mr. Soares: We object to that as certainly incompetent, irrelevant and immaterial, and prejudicial, if the Court please, and not proper cross-examination and can serve no purpose except an attempt to improperly prejudice the jury. [197]

The Court: Sustained.

Q. (By Mr. Richardson): Now, this time that you brought Sarah Lee—I mean, not brought but came to Honolulu with Sarah Lee and Mary Chang, gave them the privilege of staying at your house without receiving a penny for it, is that the only time you have shown such friendship to these other

(Testimony of Alice Lii.)

girls? It is the only time you have taken girls like that in, Mrs. Lii, without any cost to them whatsoever and let them stay in your house, one of them for almost three months?

A. I told her she could stay at my house for a while, but I didn't expect her to stay that long, and I couldn't very well tell her to get out of my house.

Q. And Mary Chang stayed there until January?

A. Mary Chang stayed there.

Q. And Sarah Lee stayed there for seven weeks?

A. About that.

Q. Mrs. Lii, you stated that you haven't worked for four years and Miner hadn't worked for ten. Where did you all get the money to take this trip?

A. Well, I had some money saved.

Q. Saved from when you were working four years ago?

A. Oh, I used to—when I was working during the years that I used to work.

Q. What type of work did you used to do? [198]

A. Well, I used to work in a bar, and I used to work down in the cannery before.

Q. Down where? A. Down in the cannery.

Q. The cannery? A. That's right.

Q. Working at the cannery you bought a Cadillac, a Lincoln, and can take a vacation trip to the mainland when you want to?

Mr. Soares: Just a minute. I object to that as argumentative.

Mr. Richardson: It is in the record.

Mr. Soares: Certainly counsel can argue all he

(Testimony of Alice Lii.)

wants to when he goes to the jury from what is on the record. The whole story isn't in the record yet, if the Court please.

Mr. Richardson: The reason I said it was in the record was because Mr. Soares said it is argumentative; if it is not in the record, it is not argumentative——

Mr. Soares: Oh, nonsense. The question is argumentative; he is arguing with the witness.

The Court: I didn't understand it was a question. Proceed.

Mr. Soares: Your Honor's ruling is that there is no question?

The Court: I didn't take it to be a question.

Mr. Soares: Very well.

The Court: It sounded to me like a statement.

Q. (By Mr. Richardson): Do you know how many times Miner has been married before?

Mr. Soares: We object to this as incompetent, irrelevant and immaterial and not proper cross-examination.

The Court: I think that is just going into some matters——

Mr. Richardson: I will withdraw it.

Q. Mrs. Lii, during the time, the period between the two marriages that you and Miner contracted, were you living with him then? A. Yes.

Mr. Richardson: I think that's all.

(Testimony of Alice Lii.)

Redirect Examination

By Mr. Soares:

Q. The fact of the matter is, Mrs. Lii, from the time Miner filed a suit against you down to the present time you have always lived together as husband and wife?

A. That's right.

Q. Did you contest the case? Did you contest the divorce case?

A. I did not.

Q. And the fact that he went into court and obtained a divorce, did that interrupt your marital, your relations [200] with him all in any way?

A. No.

Q. Now, with reference to your having received a suspended sentence on a charge of interfering with a police officer, is that case over yet?

A. No, I had it appealed.

Q. Even though your sentence was suspended?

A. That's right.

Q. Which might have meant you paid a fine or went to jail, you still appealed the case?

A. That's right.

Mr. Richardson: That is argumentative if any question ever was.

Mr. Soares: That is a statement of fact.

The Court: Well, I suppose that is a statement of fact. I don't know whether it is preliminary to some question or not.

Mr. Soares: That's right, if the Court please. Your Honor is quite right.

Q. (By Mr. Soares): With that statement of

(Testimony of Alice Lii.)

fact in mind, I will ask you if it isn't true that there is also pending in the District Court of Honolulu charges against the police officers who claimed you interfered with them, brought by you and Miner Lii for their assaulting both of you and your little baby or [201] child? A. That's right.

Q. And I will ask you if it isn't a fact that one of the police officers involved at that time was Chris Faria? A. That's right.

Mr. Richardson: I object to that, if your Honor please. It doesn't make any difference about that.

Q. (By Mr. Soares): And I will ask you if it isn't a fact that Chris Faria left town before the warrant could be served on him.

A. That's right.

Q. Now, you say Miner had a brother named Joe who is a seaman—is that the one?

A. No, that is not the one.

Q. Well, in connection with Barbara Andrade, when you mentioned her first, you said something about one of Miner's brothers. Which brother was that? A. That was Teddy.

Q. And you said that Barbara stayed with you and Miner about a year? A. That's right.

Q. Did she stay in the same house in which you stayed? A. With us.

Q. And where was Teddy staying, do you know?

A. He was staying with us, too. [202]

Q. In the same house?

A. The same. You mean in the same house or——

Q. That's what I am trying to find out. Was it

(Testimony of Alice Lii.)

the same house or some other place in the same yard?

A. Well, it wasn't in the same house but it was in the yard, the same block, though.

Q. The same lot? A. Lot.

Q. What type of a place was it that you speak of now? A. It is a side of the house.

Q. Can you describe it any more?

A. Well, there's a room out there.

Q. What's that?

A. There's a room out there on the side of the house.

Q. Has it any connection with a garage in any way?

A. Well, it's supposed to be a garage but I usually use that for my washroom where I do my laundry and ironing and things like that.

Q. It was originally a garage?

A. That's right.

Q. And who do you say stayed there?

A. Teddy was staying there.

Q. Did anybody stay with him?

A. There was Barbara.

Q. In that room? [203]

A. Yes, she stayed with him and she stays with me inside.

Q. Pardon? I didn't hear that.

A. She stays in and out like that.

Q. She stayed in both places? A. Yes.

Q. Would you say whether or not Barbara was Teddy's girl friend?

(Testimony of Alice Lii.)

A. That's right.

Q. Did you ever have a conversation in a car outside of Blanco's bar such as Sarah Lee Wright described in her testimony? A. No.

Q. Or did you have a conversation in any car at any place when Sarah Lee Wright was present?

A. No.

Mr. Soares: May I consult with my clients for just a moment?

(Counsel and Defendants confer.)

Q. You referred to a Cadillac car. What model car was it? A. Model——

Mr. Richardson: Your Honor, she testified it was a 1950.

Mr. Soares: Oh, no, she said it was registered in 1950.

Mr. Richardson: I asked her that question.

Mr. Soares: Can't I ask her again? [204]

Mr. Richardson: Oh, no, you can't.

Mr. Soares: Only you can ask those kind of questions?

Mr. Richardson: The question was asked and answered.

Mr. Soares: Asked and answered on redirect examination? What other nonsense——

The Court: Go ahead and ask her. She said it was a 1950 Cadillac.

Q. (By Mr. Soares): There was a 1950 Cadillac registered in your name? A. There was.

Q. And how long did that car continue to be registered in your name?

(Testimony of Alice Lii.)

A. Up to—I don't remember when.

Q. Well, withdraw that if you can't remember.

What became of it?

A. Well, I guess it's been sold.

Q. What's that? A. It's been sold.

Q. Well, what did you do? Did you operate that car at all? A. I drive that car.

Q. And what did you do with it?

A. Turned it back to the owner.

Q. Who was the owner?

A. It was Joe. [205]

Q. Joe who? A. His brother Joe.

Q. What? A. His brother Joe.

Q. It was Joe Lii's car? A. That's right.

Q. And registered in your name?

A. That's right.

Q. You didn't buy that car? A. No.

Q. And when did you turn it back to Joe?

A. I can't remember the date or the month.

Q. Now, this other car that was referred to, the 1949 Lincoln; which was registered in your name first, the Cadillac or the Lincoln?

A. The Lincoln.

Q. And what became of that?

A. It's been sold.

Q. What's that? A. It's been sold.

Q. Sold? A. That's right.

Q. When was it sold?

A. I think it was in 1950. I'm not too sure.

Q. Did you buy the Lincoln car? [206]

A. Well, it was registered under my name.

(Testimony of Alice Lii.)

Q. Well, whose car was it actually?

A. Whose car? The Lincoln?

Q. Yes. A. That was Joe's car.

Q. Do you know whether the Lincoln was turned in on the Cadillac? A. That's right.

Q. You didn't put out any money for either of these cars? A. No.

Mr. Soares: No further questions.

Mr. Richardson: Nothing further.

(Court and Counsel confer.)

The Court: The Court recesses this case until nine o'clock tomorrow morning. The jury will appear at that time. And in the meantime you will recall what I said to you about the case not being over yet, so keep your own counsel and don't let anybody tell you their impressions or what they think the facts are or talk to you in any way about the case. We will adjourn until tomorrow morning, until nine o'clock.

(The Court adjourned at 12:00 noon.) [207]

May 23, 1951

(The Court convened at 9:15 a.m.)

The Clerk: Criminal No. 10,419, United States of America versus Miner Lii and Alice Lii, for further trial.

The Court: The jurymen are all present in the box. You may proceed.

Mr. Soares: If the Court please, I'd like leave

(Testimony of Alice Lii.)

to have Frank "Babe" Sampson return to the stand for further cross-examination.

Mr. Richardson: If your Honor please, that witness has returned to the mainland. Mr. Soares said nothing to me about wanting him back, after his other testimony, and he is not here.

Mr. Soares: That is true enough, if the Court please. The questions that I wanted to cross-examine him on are based on information that I received since he was on the stand.

The Court: You say he has gone?

Mr. Richardson: Yes, he has.

The Court: When did he go?

Mr. Richardson: My information is that he left the night after he testified.

The Court: Well, that's the end of him.

Mr. Soares: In that case we rest, if the Court please.

The Court: Did you know, Counsel, that he had gone? [208]

Mr. Soares: Did I know he was gone? Not until this morning when I said to Mr. Richardson that I'd like to call him, and Mr. Richardson informed me. I made the statement so that the record will show we wanted to cross-examine him further. I purposely refrained from saying that I knew he was gone because that was the information I received from Mr. Richardson, and I thought it should come from him, not from me.

The Court: All right. The Defense rests. Any rebuttal?

Mr. Richardson: Yes, if your Honor please, I'd like to put on some rebuttal.

SARAH LEE WRIGHT

a witness on behalf of the Plaintiff, having previously been sworn, was called on rebuttal and testified as follows:

Direct Examination

By Mr. Richardson:

Q. You are the same Sarah Lee Wright who testified the other day, are you not? A. Yes.

Q. Now, Miss Wright, it has been testified here by one of the Defendants—I beg your pardon—by a witness for the Defense, that you were seen on the Island of Kauai. Had you ever been on the Island of Kauai in your life?

A. I have never been on that island. [209]

Mr. Soares: That is not rebuttal, if the Court please. She already denied that. I move that the testimony be stricken as not proper rebuttal.

The Court: Denied.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Miss Wright, with reference to your meetings in San Francisco with Alice Lii and Miner Lii, when was the first time anything was said with reference to your coming here to work as a prostitute?

Mr. Soares: We object to this, if the Court please, as not proper rebuttal. All that was testified to and it can serve no purpose except to prejudice the Defendant's case.

(Testimony of Sarah Lee Wright.)

The Court: I didn't get that.

(The reporter read the last question.)

Mr. Richardson: If your Honor please, it has been denied—

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Will you answer that? A. The first night I met them.

Q. The first night you met them?

A. Yes, sir.

Q. Now, Miss Wright, did you give Alice Lii \$184 to pay for your ticket over here? [210]

A. No, sir, because I didn't have \$184.

Q. Now, you got here, I believe, on a Monday?

A. Yes, sir.

Mr. Soares: We object to all this re-hash of the case in chief, if the Court please. I move it be stricken.

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): When did you start to work for Miner Lii and Alice Lii as a prostitute?

Mr. Soares: We object to this, if the Court please, as not proper rebuttal and it can serve no purpose except to prejudice the Defendant's case.

The Court: That is not proper rebuttal.

Mr. Richardson: If your Honor please, they have denied that this girl or any girl ever worked for them as a prostitute. I want to show just how she worked for them as a prostitute and how long

(Testimony of Sarah Lee Wright.)

she worked for them and what she made as a prostitute.

The Court: All right.

Mr. Soares: The Court allows the question?

The Court: Yes.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): When did you start to work for them? [211]

A. I got there on Monday and started on Tuesday in the afternoon.

Q. Now, what was the method of operation up there? How did you work for them as a prostitute?

Mr. Soares: We object to this as not proper rebuttal and incompetent, irrelevant and immaterial in any instance.

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): How did the customers—how did you get your customers?

A. They just came voluntarily.

Q. They came up to the house?

A. They knew what it was so they came of their own accord.

A. And how much did you make with each customer?

Mr. Soares: We object to this as incompetent, irrelevant and immaterial already testified to, and not proper rebuttal.

The Court: Overruled.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): How much?

(Testimony of Sarah Lee Wright.)

A. Miner Lii collected \$12 from each fellow.

The Court: Who?

The Witness: Miner Lii.

Q. When a man would come in to see you, did he pay the [212] money to you? A. No, sir.

Mr. Soares: We object to this as leading and suggestive and not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

Mr. Soares: Save an exception.

A. No, sir, he did not pay me.

Q. (By Mr. Richardson): Whom did you pay?

A. He paid Miner Lii.

Q. The money never came through your hands?

Mr. Soares: I move that that be stricken until we can repeat the objection.

The Court: That answer is stricken for the time being. Make the objection.

Mr. Soares: We renew the objection that it is incompetent, irrelevant and immaterial and not tending to prove or disprove any issue in this case, and not proper rebuttal, and already asked and answered in the case in chief.

The Court: Overruled. You may answer the question.

Mr. Soares: Save an exception.

Q. (By Mr. Richardson): Miss Wright, the money was paid to Miner Lii?

Mr. Soares: We object to it as leading and suggestive and not tending to prove or disprove any of

(Testimony of Sarah Lee Wright.)

the issues in this [213] case, and already asked and answered in the case in chief.

The Court: That is true.

Mr. Richardson: I will withdraw that question.

Q. Miss Wright, when did you get your money?

A. At the end——

Mr. Soares: Objected to as incompetent, irrelevant and immaterial and not tending to prove or disprove any issue in this case and already asked and answered, and not proper rebuttal.

The Court: Overruled.

Mr. Soares: Save an exception.

A. At the end of the night Mrs. Lii would split with me.

Q. (By Mr. Richardson): You say Mrs. Lii?

A. Yes.

Q. I believe the term in common usage is “turn a trick,” is that correct? A. Yes.

Q. How many tricks would you turn a night up there? On an average?

Mr. Soares: Objected to as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Mr. Soares: Save an exception. [214]

A. On an average about ten.

Mr. Soares: How many did you say?

(The reporter read the last answer.)

(Testimony of Sarah Lee Wright.)

Q. (By Mr. Richardson): How long did you stay there?

Mr. Soares: We object to that. It has already been asked and answered, and it is not proper rebuttal.

The Court: That is true.

Q. (By Mr. Richardson): How much money do you estimate you turned over to Miner and Alice Lii during the time you worked there?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal, and can serve only to prejudice the Defendants' case in the eyes of the jury.

Mr. Richardson: If your Honor please, the Defendant has testified that no money was turned over to them.

Mr. Soares: And she testified in chief that money was turned over.

The Court: The question is objectionable in its present form.

Q. (By Mr. Richardson): How much money did you make while you were there?

Mr. Soares: We object to that. It is incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and tending to prejudice the Defendants' [215] case and not proper rebuttal.

The Court: Do you mean from prostitution? Why don't you say so?

(Testimony of Sarah Lee Wright.)

Q. (By Mr. Richardson): How much money did you make there from prostitution?

Mr. Soares: We renew the objection on the same grounds.

The Court: Overruled.

Mr. Soares: Save an exception.

A. I made two thousand dollars for myself.

Q. (By Mr. Richardson): Two thousand for yourself? A. Yes.

Q. Now, Miss Wright, it has been testified to that you could leave the premises up there whenever you wished. Is that true?

Mr. Soares: We object to that, if the Court please. It has already been asked and answered, and it is not proper rebuttal, and it is a continuation of this attempt to prejudice these Defendants and deprive them of a fair trial.

The Court: Overruled.

Mr. Soares: Save an exception.

A. Like leaving in the daytime, they would always be with us, one of them anyhow. And like at nighttime, after we got through work, well, then they might drive us to the bakery, but they would always be with us.

Q. (By Mr. Richardson): Could you leave there by yourself? [216]

Mr. Soares: I object to that as leading and suggestive and not proper rebuttal and not tending to prove any issue in this case, and prejudicial.

The Court: Overruled.

Mr. Soares: Save an exception.

(Testimony of Sarah Lee Wright.)

A. Not at first I couldn't. Later on I went downtown a few times by myself.

Mr. Richardson: That's all.

Cross-Examination

By Mr. Soares:

Q. Did you want to leave?

A. I left, yes, I did.

Q. Did you want to leave at any time before you left?

A. Yes.

Q. Well, what stopped you from leaving?

A. Miner Lii.

Q. How did he stop you?

A. Well, everybody was scared of him. Why shouldn't I be, too?

Q. How? What did Miner Lii do to prevent your going?

A. Tell us all kinds of things.

Q. What?

A. That we'd go to jail and everything else like that.

Q. Well, you did leave finally?

A. After I got mad, yes. [217]

Q. You were living with Babe, weren't you?

A. Yes.

Q. And wasn't Babe your pimp?

A. No.

Q. And didn't you live with him in the Queen's Hotel as man and wife?

A. I was living with him. They were living together; they weren't married either.

Mr. Soares: I move that be stricken as not responsive to the question.

(Testimony of Sarah Lee Wright.)

The Court: Well, that's already in evidence.

Mr. Soares: It's a question whether they were married or not. They are Roman Catholics and in their eyes they were married.

Mr. Richardson: It's in the proof already.

Mr. Soares: I ask for a ruling of the Court.

The Court: Well, that being not in response to the question, it may be stricken and disregarded.

Q. (By Mr. Soares): You gave Babe money to come down here, didn't you? A. No.

Q. Are you sure about that?

A. I am positive.

Q. Is that as true as everything else you have testified to in this case? [218]

A. Everything I have testified to is true.

Q. You didn't wire him \$200?

A. I did send him \$200.

Q. What for? A. What for?

Q. Yes, what for.

A. Well, one reason is because maybe he needed it because he was having his car payments, and he helped me out when I was sick.

Q. Did you get any letters from him?

A. Yes.

Q. Did he ask for any money? A. No.

Q. Did he tell you he was sick?

A. I said he helped me when I was sick.

Q. Did he remind you of that? A. No.

Q. And you just suddenly sent him \$200?

A. I didn't suddenly. It was a very short time after I came over here.

(Testimony of Sarah Lee Wright.)

Q. When did you first decide you would send him \$200? A. Sir? I didn't hear it.

Q. When did you first decide you would send him \$200? A. I decided before I left home.

Q. And when did you send him the \$200? [219]

A. A couple of weeks after I came over here.

Q. While you lived at the Lii's? Did you have any expenses for food or rent or anything while you lived at the Lii's? A. No.

Q. You were making about \$60 a day?

A. Once in a while more than that.

Q. You never made less than \$60 a day?

A. Yes, I think I have.

Q. What's that? A. I think I have.

Q. But \$60 would be a fair average, is that right? A. No. I'd say more than sixty.

Q. So by the time you sent Babe this \$200 just because he had helped you when you were sick and not for him to come here, you had made over a thousand dollars, hadn't you?

A. No, because I had sent that to him in two weeks.

Q. What's that?

A. Let me see. I don't think I made that much, no.

Q. You wired the money, did you, to Babe?

A. Yes.

Q. Now, what was the need for sending it by wire?

A. I don't know. I always send things by wire.

Q. What other things do you send by wire?

(Testimony of Sarah Lee Wright.)

A. My sister telegrams. [220]

Mr. Richardson: That question is too indefinite, "What other things."

Mr. Soares: She says she sends things by wire, and that is just as reasonable as any of her other testimony. People don't send things by wire. I have a right to follow it up.

The Court: They send telegrams, don't they?

Mr. Soares: A telegram is not a thing. A telegram is a wire itself. A telegram is a piece of paper and doesn't go by wire.

The Court: Well, it is a message, isn't it?

Mr. Soares: It is a message. A message is not a thing.

The Court: But it is written. Proceed.

Mr. Soares: May I have the last?

(The reporter read the last question and answer.)

Q. (By Mr. Soares): Now, how long after you sent the money did Babe get here?

A. About two weeks.

Q. He waited two weeks before he got here?

A. I think it was something like that.

Q. Did you send any message with the wire?

A. No.

Q. What service did you use in sending the wire?

A. Where?

Q. Yes. [221]

A. Downtown is all I remember.

(Testimony of Sarah Lee Wright.)

Q. Well, was it Globe, Makay, RCA, Cable?

A. I don't remember because I didn't know. I just sent the wire.

Q. Who was with you when you sent the wire?

A. My girl friend, Mary Chang.

Q. Anybody else? A. No.

Q. From what office did you send the wire?

A. I don't know because I didn't know the town at the time, and all I know——

Q. But you know the town now?

A. Yes, but I haven't sent a wire since.

Q. Pardon?

A. I haven't sent a wire since.

Q. But tell us where this wireless office is from which you sent the \$200 to Babe because he had been good to you when you were sick?

A. I don't remember.

Q. You have no idea? A. No.

Q. As you think back you can't give us any idea where this wireless office is? A. No.

Mr. Richardson: She says she doesn't remember.

Mr. Soares: We are not bound by her answer. I insist that we have the right to cross-examine her.

The Court: Well, you are doing it.

Mr. Soares: That's what I think. I am waiting for a ruling of the Court.

The Court: There is no ruling.

Mr. Soares: Counsel objected to it. Read the last question and answer.

(The reporter read the last question and answer.)

(Testimony of Sarah Lee Wright.)

The Witness: I said, No.

Q. (By Mr. Soares): If you were to send a wire today, would you know where to go?

A. Well, there's one in Waikiki.

Q. You know a place in Waikiki?

A. I think so.

Q. Was that the place from which you sent this wire?

A. I wouldn't know if it was Waikiki, downtown or uptown because I don't remember at the time.

Q. You can't remember now whether the \$200 you wired to Babe was sent from an office in Waikiki or downtown?

A. No, because I didn't know Waikiki from downtown at that time.

Q. But you do know Waikiki from downtown now? A. Yes. [223]

Q. And you do know that there is a wireless office in Waikiki? A. Yes.

Q. Now, was it from that office that you sent this \$200?

A. I said I wouldn't know if it was or not.

Q. You can't tell us whether it was that one or not? It may have been from Waikiki or it may have been from downtown? A. It may have.

Q. And you don't remember?

A. I don't remember.

Q. Now, when I asked you what you used your money for when you were last on the stand, you

(Testimony of Sarah Lee Wright.)

spoke only of clothes and the rent. Why didn't you tell us about the \$200 you sent to Babe?

A. I didn't think of it at the time.

Q. What's that?

A. I didn't think of it at the time.

Q. Have you given Babe any other money besides the \$200? A. No, I didn't give.

Q. Pardon? A. No.

Q. Did you lend him any money besides the \$200? [224] A. No.

Q. Has he had any other money from you except this \$200? A. Yes.

Q. How much? A. Oh, just about \$10.

Q. What? A. Ten dollars.

Q. Did you give him that all at one time?

A. All at one time.

Q. And what was that for?

A. I don't know.

Q. Was he living with you at the time you gave him the \$10? A. No.

Q. Who paid for the Queen's Hotel charges?

A. Him.

Q. He paid? A. Yes.

Q. Out of your \$200?

A. I wouldn't know if he still had any of that \$200 or not.

Q. Did you notice whether he had any money?

A. Oh, he had money when he came over here.

Q. Plenty of money? A big roll? [225]

A. I wouldn't say a big roll.

Q. Well, enough so that you noticed it?

(Testimony of Sarah Lee Wright.)

A. All I know is that he had money. I didn't see it or notice it.

Q. Did he ever tell you why he came to Honolulu?

A. The thing I always thought, he wanted to try and play basketball.

Q. He told you he came here to play basketball?

A. No, he didn't he didn't say it, but he tried to play.

Q. But did he ever tell you why he came?

A. No.

Q. Did he ever tell you why he went to live with you when he has a wife of his own? A. No.

Q. You knew he had a wife? A. Yes.

Q. Did you ever return to the Miner Lii home after you left? I don't necessarily mean to live there. A. No, I never returned.

Q. Never came there?

A. Oh, I came there but never to live.

Q. That's what I say. You did come there?

A. Yes.

Q. How many times would you say after you left around [226] Thanksgiving?

A. I'd say about three times.

Q. Had you at that time been arrested?

A. No.

Q. You never were thereafter arrested and charged in Honolulu?

A. Not as I remember, I never was there.

Q. Do you remember starting off for the public prosecutor's office in company with Miner Lii?

(Testimony of Sarah Lee Wright.)

A. What was the question again?

Q. Do you remember going with Miner Lii to the City Hall?

A. I never went with Miner Lii nowhere.

Q. Did you ever go to the City Hall?

A. No.

Q. Didn't you tell Miner Lii that the Vice Squad was giving you a bad time? A. No.

Q. They weren't ever giving you a bad time?

A. No.

Q. As a matter of fact, they promised to leave you alone, didn't they? A. No.

Q. Did you ever ask Miner or Alice Lii for money? A. Certainly not. [227]

Q. How much money do you have now?

A. I refuse to answer that.

Mr. Richardson: I object to that. Just a minute.

The Court: Oh, that's——

Mr. Soares: It's cross-examination.

The Court: It isn't proper cross-examination.

Mr. Soares: We save an exception.

Q. Do you know how the police learned your story? A. About this?

Q. Yes. A. I told them.

Q. How did you come to tell them?

A. How did I come about it?

Q. Yes. A. Because I wanted to.

Q. Why? A. I didn't have any reason.

Q. You can't explain why you wanted to tell the police that Mr. and Mrs. Lii got your ticket?

A. Yes.

(Testimony of Sarah Lee Wright.)

Q. Why?

A. Well, one thing, if they brought me over here, the next time they are liable to bring somebody a little bit better.

Q. I can't hear. [228]

A. They bring me over here—if they bring me over, then they will bring somebody else.

Q. Oh, you were going to reform them? You were going to stop other girls from coming here?

A. No, not exactly.

Q. Well, why did you make that statement that if they brought you they might bring somebody else?

A. Well, for one thing I mean they brought me over here. I didn't know what I was expecting to get into. Maybe the next one wouldn't. From what I heard, there's a girl in the hospital on account of him.

Mr. Soares: We move that that be stricken, if the Court please, as not responsive to any question.

The Court: That's an answer to your question.

Mr. Richardson: Yes, if your Honor please.

Mr. Soares: Well, if the Court please, may I be heard? Is hearsay ever admissible? It is based on hearsay. It is a voluntary statement based upon hearsay.

The Court: She said that that is one thing that molded her mind.

Mr. Soares: But she said she heard it.

The Court: It doesn't make any difference how she got that.

(Testimony of Sarah Lee Wright.)

Mr. Soares: Very well, I move the answer be stricken. I have made that motion. Save an exception to the ruling of [229] the Court.

Q. Who is this girl?

A. I have heard her name but I don't know.

Q. What is her name?

A. I wouldn't know.

Q. In what hospital is she?

A. Oh, I don't even know that. I heard of it but I forgot that.

Q. From whom did you hear it?

A. Quite a few people.

Q. Name one of them.

A. I don't remember the names.

Q. When did you hear it?

A. When I first came over here.

Q. How long had you been here?

A. Oh, about five weeks, I imagine.

Q. Where were you when you heard it?

A. In Miner Lii's house.

Q. Who all were present?

A. Me, Mary Chang——

Q. What's that?

A. Me, Mary Chang, and Mr. and Mrs. Lii.

Q. And who told it to you?

A. Well, Miner and him was telling——

Q. What's that? [230]

A. Miner and his wife was talking to me about it because they thought she was going to get them into trouble.

(Testimony of Sarah Lee Wright.)

Q. Now, you do remember that it was Miner and his wife who told it to you?

A. A few other people did, too.

Q. When I asked you first, you couldn't remember who it was, is that right?

A. I mean the other people who told me.

Q. I didn't ask you about the other people.

A. I didn't remember that.

Q. You finally decided this was another chance to get at Miner Lii, is that right? A. No.

Q. All right. Now, whom did you first tell that the Liis had brought you over here?

A. I didn't tell anybody at first. Everybody was telling me.

Q. Who told you?

A. Well, people on the street.

Q. Well, who?

A. Just people that I noticed speak and talk to on the street. I don't know the names.

Q. You made a lot of acquaintances?

A. You mean I know them by name?

Q. All right, let's have the names. [231]

A. Different fellows, but I don't recall their names.

Q. They would simply walk up to you?

A. And then the Vice Squad.

Q. And then the Vice Squad? A. Yes.

Q. And what did the Vice Squad tell you about it? A. Sergeant Shaffer——

Mr. Richardson: I object to that, if your Honor please.

(Testimony of Sarah Lee Wright.)

Mr. Soares: It goes to her credibility.

Mr. Richardson: Not what the Vice Squad told her.

The Court: Overruled.

Q. (By Mr. Soares): What did the Vice Squad tell you?

A. Well, at the time they served the warrant on Miner, they come by my house and asked me if I was working in Miner's house at that time, and I said No. And they said, Well we know you was working there; we also know he brought you over here.

Mr. Soares: May I have that?

(The reporter read the last answer.)

Q. And what did you say to that?

A. I didn't have nothing to say.

Q. You didn't make any reply at all?

A. No.

Q. And that was at your house? [232]

A. Yes.

Q. And is that all the discussion you have had with members of the Vice Squad about your coming over here for the Liis?

A. I didn't quite——

Q. As I say, is that the only time a member of the Vice Squad discussed that subject with you?

A. No.

Q. When was the next time?

A. When I made the complaint out.

Q. When what?

(Testimony of Sarah Lee Wright.)

A. I made the other complaint out.

Q. Whose idea—what complaint are you referring to? A. About procuring.

Q. The one which they had the trial in the District Court and which they have appealed?

A. Yes.

Q. Is that what you mean? A. Yes.

Q. How come you made that complaint?

A. Because I wanted to.

Q. Why?

A. Why let him take two thousand dollars?

Q. What's that?

A. Why let him take two thousand dollars? [233]

Q. Well, that was many months after he had taken the two thousand, wasn't it?

A. Maybe then—then I began to wise up.

Q. What's that?

A. Then I began to wise up.

Q. Oh, you had never been up a proposition like this before, Sarah Lee? A. No.

Q. In the bars that you frequent in San Francisco you never had anything of this kind?

A. No.

Q. And you were an innocent girl when you came here? A. I won't say innocent.

Q. Well, I'm asking you, were you?

The Court: That question is very close to the borderline.

Mr. Soares: I will take the ruling of the Court. Nobody has objected to it.

(Testimony of Sarah Lee Wright.)

The Court: All right, what was the question?

(The reporter read the last question.)

The Court: Hasn't that been answered?

Mr. Soares: No, sir, the Court interrupted the answer.

The Court: I know, but she said she won't say "innocent."

Mr. Soares: Yes, but I want her to say it. That's why I asked the other question.

The Court: You may answer. [234]

A. That's just like him asking me, yes, if I was a virgin when I came here. There's no difference.

Q. Will you answer the question, please, and not argue? A. No, I wasn't innocent.

Q. You had been having an affair with this Babe before——

Mr. Richardson: I object to this.

Mr. Soares: I haven't finished the question.

Mr. Richardson: Well, I——

The Court: Sustained.

Mr. Soares: Save an exception to the ruling of the Court.

Q. Well, at any rate, you happened to swear out a complaint charging Mr. and Mrs. Lii with procuring so you could get back the other two thousand dollars, is that it?

A. No, I won't get it back.

Q. What's that? A. No.

Q. That's why you swore out the complaint?

A. No.

(Testimony of Sarah Lee Wright.)

Q. Well, you were sore?

A. Not so that I can get it back.

Q. Well, why did you swear out the complaint?

Mr. Richardson: I object to that. The reason she swore it out is immaterial.

Mr. Soares: Immaterial?

Mr. Richardson: It certainly is. [235]

Mr. Soares: She started this whole machinery going and then Counsel says we can't inquire into her motives.

Mr. Richardson: Maybe she swore it out because they had been procuring.

Mr. Soares: Well, maybe the witness ought to tip off the answer what he wants her to give. But the fact remains that we have a right to ask her what her motive was in initiating these proceedings.

Mr. Richardson: I object to it.

The Court: You may answer. What was the question?

(The reporter read the last question.)

The Witness: Shall I answer?

Mr. Soares: Yes, please answer.

A. Well, for one reason, why should I work for him?

Q. (By Mr. Soares): You weren't working for him then, were you, when you swore out that complaint?

A. No, but that's when I kept thinking about it.

Q. You had been arrested when you swore out that complaint, hadn't you? A. Yes.

(Testimony of Sarah Lee Wright.)

Q. And you thought maybe if you gave them something on Miner Lii they might let you go?

A. Oh, no.

Mr. Richardson: I object to it. He is asking this [236] witness whether she thought something.

The Court: It has been answered.

Q. (By Mr. Soares): And did they promise you anything if you would help them get Miner Lii this time? A. They didn't promise me nothing.

Q. And your only motive is that you didn't like the idea of his getting your two thousand dollars that you earned and you should have had?

A. That's right.

Q. Have you earned any money since you left Miner Lii's? A. No.

Mr. Richardson: I object to it. May we instruct the witness not to answer when the objection is made?

The Court: It has been answered.

Q. (By Mr. Soares): And you have lived on the money since then, on the money you earned at Miner Lii's? A. Yes.

Q. And that was, you say, two thousand dollars?

A. Yes.

Q. Did you lend Mary Chang any money?

A. No.

Q. Did you write to your sister and tell her you were making lots of money here? [237]

A. I don't remember.

Q. You may have? A. I don't remember.

Q. You say you may have?

(Testimony of Sarah Lee Wright.)

A. I won't say because I don't remember.

Q. It's true you were making lots of money here? A. At Miner Lii's house?

Q. Yes, you were making lots of it?

A. At his house?

Q. Yes. A. Yes.

Q. You never had made so much money before in your life?

A. That's right, because I never had worked before.

Q. You never worked at all?

A. That's right.

Q. Didn't you work in a bar?

A. I mean as prostitution.

Q. Well? A. Yes, I was working in a club.

Q. Didn't you ever work in Salinas?

A. No.

Q. Didn't you ever work in Stockton?

A. No.

Q. Did you ever stay there? [238] A. No.

Mr. Soares: That's all. No further questions.

Mr. Richardson: That's all.

(Witness excused.)

Mr. Richardson: If your Honor please, I have a witness in the hall. May I step out? It won't be but one minute and I will be right back. Call John Kramer.

JOHN B. KRAMER

a witness in rebuttal on behalf of the Plaintiff,
being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you state your full name, please?

A. My full name is John Burnette Kramer.

Q. Mr. Kramer, what position do you hold?

A. I am a deputy collector of Internal Revenue.

Q. Where is your office?

A. In the field division downstairs.

Q. That is here in this building downstairs,
is it? A. Yes, sir.

Q. Do you know Harold John Lewis?

A. I do.

Q. Yesterday morning between nine and ten, did
he come by to consult you about some tax return?

A. No, sir.

Mr. Richardson: That's all. [239]

Cross-Examination

By Mr. Soares:

Q. How do you know he didn't come by to con-
sult you about some tax return?

A. He came by and said—Harold is a personal
friend of mine of long standing—he came by and
he said through the window, from the outside of the
lanai, said, "Hi, John," and I said, "Hi, Harold."
I said, "Come on in." And he came in, sat down
to the rear of me, and I was busy with another tax

(Testimony of John B. Kramer.)

payer at that time. When I looked around he was gone.

Q. You didn't know that they went down to call him up because he was wanted in court, did you?

A. No, sir.

Q. And he didn't have the time to consult with you, did he? Did he or not have time?

A. He didn't have any occasion.

Q. Will you answer my question, please?

A. What was the question?

Q. He didn't have time to consult with you if he had wanted to, isn't that true? Why do you hesitate to answer, Mr. Kramer?

A. Well, I was busy with another tax payer.

Q. And so he didn't interrupt you, did he?

A. No, sir.

Q. And by the time you were through, he had gone? A. Yes, sir. [240]

Q. You work for the United States Government, don't you? A. I do.

Mr. Soares: No further questions.

Redirect Examination

By Mr. Richardson:

Q. He did not consult you, did he?

A. No, sir.

Mr. Soares: That is incompetent, irrelevant and immaterial, and I move that all the evidence be stricken.

The Court: Motion overruled.

(Testimony of William Samuel Holloway, Jr.)

Mr. Soares: Save an exception.

Mr. Richardson: That's all, Mr. Kramer.

(Witness excused.)

Mr. Richardson: Call Mr. William Holloway.

WILLIAM SAMUEL HOLLOWAY, JR.

a witness on rebuttal in behalf of the Plaintiff, being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Mr. Holloway, will you state your full name, please?

A. My name is William Samuel Holloway, Jr.

Q. Mr. Holloway, what position do you hold?

A. I hold the position of safety engineer for the [241] Hawaii Aeronautics Commission.

Q. How long have you been with the Hawaii Aeronautics Commission?

A. Three and one-half years this July.

Q. Now, Mr. Holloway, is it part of your duties to be familiar with the landing fields on various islands in the Territory?

A. Yes, I am required as part of my duties to fly from every field in the Hawaiian Islands at least once a month.

Q. Mr. Holloway, is there an airport on the Island of Niihau?

A. There is no airport on the Island of Niihau.

(Testimony of William Samuel Holloway, Jr.)

Mr. Soares: We object to that, if the Court please.

Mr. Richardson: If your Honor please——

Mr. Soares: I ask that the answer be stricken until we can make the objection as incompetent, irrelevant and immaterial and not rebuttal of anything.

Mr. Richardson: It most certainly is rebuttal. The witness Lewis testified that he was flying between Kauai and Niihau.

Mr. Soares: All right, does there have to be an airfield? Did he say he landed in Niihau?

Mr. Richardson: I'm not through with him.

Mr. Soares: Well, we will take up what we have now, and it is immaterial whether there is an airfield in Niihau or not. [242] The witness said he was also spotting fish for fishermen between Kauai and Niihau.

Mr. Richardson: No, sir, he didn't. He said he was flying, that he was a pilot and was flying.

Mr. Soares: And he used the plane to spot fish for the fishermen between Kanai and Niihau. He never intimated that he ever landed in Niihau, and if Counsel had been here as long as your Honor and I have, he would know that the Robinsons wouldn't allow him to land even if there was an airfield.

Mr. Richardson: There was not a word yesterday about spotting fish.

The Court: Well, what is the proposition before the Court? You made an objection, did you?

(Testimony of William Samuel Holloway, Jr.)

Mr. Soares: Pardon?

The Court: You objected to it?

Mr. Soares: Yes, I object to it as incompetent, irrelevant and immaterial, not proper rebuttal, and seeking to discredit the witness on an immaterial matter.

The Court: Overruled.

Mr. Soares: Save an exception.

Mr. Richardson: Did the witness answer the question as to whether or not there was an airfield on Niihau?

A. My answer is that there was no airfield on the Island of Niihau.

Q. (By Mr. Richardson): Your knowledge has been that [243] there has been no airplane landed at Niihau since December 7, 1941, when a Jap plane crashed there?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial and not tending to prove any issue in this case, and not rebuttal. There has never been any claim anywhere in this case that any airplane ever landed in Niihau, not even on December 7th.

Mr. Richardson: This witness yesterday, if your Honor please, testified distinctly that he was flying an airplane. He said he was a licensed pilot, as I recall, and was flying an airplane between the Island of Niihau and Kauai. Certainly this is competent.

Mr. Soares: This isn't what he said at all.

The Witness: Shall I answer that question?

Mr. Soares: Just a minute, please.

(Testimony of William Samuel Holloway, Jr.)

The Court: The question, as I recall, was, had there been any air landings on the island?

Mr. Richardson: To his knowledge had there been a landing, yes.

Mr. Soares: We object to it as incompetent, irrelevant and immaterial.

The Court: I think that is immaterial.

Mr. Richardson: That's all. [244]

Cross-Examination

By Mr. Soares:

Q. Are you familiar with the language used by pilots?

A. Yes, sir, I am a licensed pilot and a licensed mechanic.

Q. One may fly between points without landing, one may not? A. Yes, sir.

Mr. Soares: That's all.

Redirect Examination

By Mr. Richardson:

Q. Was Lewis an instructor?

A. Our records indicate that Mr. Lewis holds a private pilot's certificate with the rating to fly single engine land aircraft. That is all of the ratings that he holds.

Mr. Richardson: That's all. Thank you, Mr. Holloway.

(Witness excused.)

Mr. Richardson: If your Honor please, I have

yet another witness that I haven't talked to. May I have a short recess? I am about to wind up.

The Court: All right, we will take a five-minute recess.

Mr. Richardson: I am just about to wind up, if the Court please. It won't be much.

(A short recess was taken at 9:55 a.m.)

The Court: It is just as well that I excuse the jury now until 1:30. [245]

Mr. Soares: If the Court please, these motions are to be made in open court and disposed of?

The Court: What motions?

Mr. Soares: The motion Counsel made for the continuance of this matter so that he could get his witnesses, because I want to follow it with a motion for a continuance so that I can get my witnesses.

Mr. Richardson: I will be glad to make a motion, if your Honor please. I'd like to request the Court to continue this case until this afternoon, to have a recess until this afternoon for the reason that I have three additional witnesses that I wish to put on that I have not had a chance to talk to.

Mr. Soares: Well, I, too, have a witness that I wish to put on, if the Court please, and up to last night I had every reason to believe she would be here. I received two wires, one on the 18th, merely saying that she would be here on time; and another wire on the 21st saying that she, saying that the exact time of her arrival, namely, that the exact time of her arrival would be Tuesday at six p.m. The witness did not arrive as expected and I com-

municated with certain people in San Francisco, and certain communications were made to me that would indicate why she did not arrive, and it was no fault of the Defendants. We ask, then, if there is to be a continuance, that this matter stand over one week so that we may issue a formal subpoena for Mary Chang to be a witness [246] on behalf of the Defendants. If your Honor will have a continuance, I ask that it be long enough to permit us to get our witness. We are in the same shape as Counsel—no subpoena issued until yesterday in their case, as I understand it. And since we are going to have a continuance and this is a very important witness—I suppose Counsel and the Court can readily see that, she being an associate of the parties involved here. And we cannot have a fair trial without her presence. So I move formally that the matter be continued for one week, or the latest to the 29th, the 28th.

The Court: Well, your witness, as I understand it, is not a rebuttal witness.

Mr. Soares: Yes, if your Honor please, this witness will rebut—it will be sur-rebuttal of much of the evidence that was given on the rebuttal; she will rebut all the evidence, practically all of the evidence which the witness denied with reference to certain—

The Court: When did you subpoena this witness?

Mr. Soares: A subpoena would have been unnecessary, if the Court please, and was unnecessary up to within the last few hours. As I say, we first had a wire in which it was indicated to us simply—and this was a wire of the 18th—that she was ar-

living on time. We then had a wire of the 21st that she was arriving Tuesday at six p.m. We also have had a telephone communication that the ticket had been—that she had the [247] ticket. We checked with the airport to make sure she was on which plane, and we couldn't do it until the airplane is only a few hours outside of Honolulu. And we found that she was not on the plane, and we made inquiry by telephone and ascertained certain facts which would explain her not being here, and that the Defendant was not in any way at fault for her not being here.

In view of this testimony—at least we are ready to disclose who the witness is, which is more than the prosecution will do. And by that disclosure it is clearly indicated that she is an important witness on sur-rebuttal.

Mr. Richardson: If your Honor please, he could have subpoenaed her. He knew where she was. I was not in that position with reference to my witness. And I immediately got process out the minute we found our witnesses.

Mr. Soares: I didn't know, if the Court please, that after having given complete testimony that Sarah Lee Wright was going to testify as she now testified on rebuttal. And this witness is wanted now. And it is the first opportunity we have had to get her as a witness on sur-rebuttal to deny certain statements made by the witness for the Government on rebuttal.

The Court: Well, there is a great deal of difference between a continuance for the presence of witnesses during a part of one day and a couple of

hours or an hour and waiting [248] a week to bring someone from California here who, you say, is an important witness to you, was important in the main case. But it is a witness that was not subpoenaed. I can't tell what the affairs of the different members of the jury may be a week hence. It would be a serious interruption to the trial in any event and one that is fraught with all the dangers in that respect and matters of that sort. I would give you no more than an hour to produce your witnesses, but the Court is going to adjourn and recess at this time until 1:30. I informed you gentlemen yesterday or perhaps the day before, informed Counsel, that the Court will recess now.

Mr. Soares: May I have a formal ruling of the Court for my motion for a continuance in order to procure this other witness on rebuttal so that if there is an adverse ruling I may have an exception?

The Court: I will give you a ruling at 1:30.

Mr. Soares: Very well.

The Court: I called the jury in for the purpose of excusing them until 1:30, and you are now excused until 1:30 today.

(The Court recessed at 10:23 a.m.) [249]

Afternoon Session

The Court: The jury is in the box, all present. Now, what have you to say? What have you to offer now?

Mr. Richardson: I have three witnesses who will be very short, whom I wish to offer still in rebuttal, your Honor.

The Court: And how long will that take do you think?

Mr. Richardson: If your Honor please, I should estimate not over a half hour.

The Court: All right. Mr. Soares, the trial is too far advanced now to grant a continuance to bring someone from California, and your request for a week's time is refused.

Mr. Soares: May we have an exception?

The Court: Well, yes, of course. But you know the rules in the Federal Court. It isn't necessary to make an exception once you have objected.

Mr. Soares: Do I understand that the sole reason for denying the motion for continuance is because the trial is thus far advanced?

The Court: That is true.

Mr. Soares: Thank you.

Mr. Richardson: If your Honor please, of course the record shows that this witness is not under subpoena. I think that has all been gone into.

The Court: That has been gone into.

Mr. Richardson: Thank you. [250]

The Court: Proceed.

Mr. Richardson: Call Tony Rapoza.

ANTONE TONY RAPOZA

a rebuttal witness on behalf of the Plaintiff, being duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you state your full name, please, sir?

A. My name is Antone Tony Rapoza.

(Testimony of Antone Tony Rapoza.)

Q. Mr. Rapoza, what business are you in?

A. I am a sales representative for Schuman Carriage.

Q. How long have you been with Schuman Carriage?

A. I have been there since April 1, 1949.

Q. Mr. Rapoza, do you know Miner Lii and his wife Alice Lii? A. I do.

Q. Do you see them here in the courtroom?

A. I do.

Q. Can you point them out, please, sir?

A. They are right there. (Indicating.)

Mr. Richardson: Let the record show he has identified the Defendants.

Q. Now, Mr. Rapoza, in April of 1950 state whether or not you had dealings with these Defendants with reference to [251] an automobile?

Mr. Soares: We object to this as incompetent, irrelevant, and immaterial, if the Court please, and not proper rebuttal; it doesn't tend to prove or disprove any of the issues in this case.

Mr. Richardson: I will make an offer of proof, if your Honor please.

The Court: Well, as I remember it, Mr. Soares, there was testimony given as to the legal ownership of an automobile about that time, and there was testimony given by your witness, Alice Lii, with respect to it. And so far as I know and can see, it is proper to take the matter up on rebuttal.

Mr. Soares: But what does it rebut? She admitted the ownership. There isn't anything to rebut.

(Testimony of Antone Tony Rapoza.)

The Court: She also said that she had no real interest in the car equity; the ownership is in someone else.

Mr. Soares: Well, does Counsel expect to show by this witness that the car didn't belong to somebody else?

The Court: I don't know.

Mr. Richardson: I expect to show that the Liis bought this automobile.

Mr. Soares: Well, that is in evidence already. There is nothing to rebut there.

The Court: The motion is denied— [252] overruled.

Q. (By Mr. Richardson): Mr. Rapoza, in April of 1950 did you have dealings with these Defendants with reference to the purchase of a car?

A. I did.

Q. What kind of car was that?

A. A 1950 Cadillac, 4-door sedan.

Q. Did you handle this deal yourself?

A. I did, personally, yes.

Mr. Soares: If the Court please, rather than interrupt the examination, if that is possible in a Federal Court, may we be understood as objecting to all testimony with reference to either of these cars on the grounds that it doesn't tend to prove or disprove any issue in the case and is not rebuttal, nor will I be required to rise and make an objection each time a question is asked?

The Court: No, I think your preceding objection really covered that. But it may be understood that

(Testimony of Antone Tony Rapoza.)

you object to this, to any evidence that this witness may offer with relation to the car.

Mr. Soares: Very well.

The Court: And if you hear any special question which you wish to make a special objection to, then make it, because objections to admission or rejection of evidence in this Court are supposed to be based upon some reason advanced at the time the objection is made. [253]

Mr. Soares: Perhaps it will be safer for me to object each time.

Q. (By Mr. Richardson): Mr. Rapoza, did you deal with Miner Lii or Alice Lii or both of them?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Mr. Soares: May I have a ruling?

The Court: Overruled.

Q. (By Mr. Richardson): Mr. Rapoza, I hand you a paper designated as Sales Memorandum and ask you if that shows, contains your signature? (Handing a sheet of paper to witness.)

A. That is my signature.

Q. Will you look at that paper, Mr. Rapoza, and state whether or not that shows the sale of this particular car to the Liis? A. It is.

Q. What financial arrangements were made about the purchase of this car?

Mr. Soares: I object to that as incompetent,

(Testimony of Antone Tony Rapoza.)

irrelevant and immaterial and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled. [254]

Q. (By Mr. Richardson): You may answer.

A. I took in a 1949 Lincoln Cosmopolitan; we took it in for twenty-two hundred dollars.

Q. That is, the value of the Lincoln was twenty-two hundred?

A. Twenty-two hundred dollars.

Q. What was the remainder, the purchase price?

A. \$1927.50.

Mr. Soares: Same objection.

Q. (By Mr. Richardson): How was that paid?

A. It was paid in cash. Actually in cashier's checks, which is equivalent to cash.

Mr. Soares: I didn't hear that.

(The reporter read the last answer.)

Q. (By Mr. Richardson): Did you handle that transaction yourself when this money was paid in?

A. I did.

Q. From whom did you receive the cash?

Mr. Soares: Objection to that as incompetent, irrelevant and immaterial, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): From whom did you receive the cashier's checks?

A. I received it from Alice.

Q. By Alice you mean Alice Lii? [255]

A. Alice Lii, yes.

(Testimony of Antone Tony Rapoza.)

Q. Was Miner there at the time?

A. Yes, they both were there at the time.

Q. Now, from those records, Mr. Rapoza, how many times did the Defendants come to your place of business before they received the car?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal, and the records are the best evidence.

The Court: Overruled.

A. I appraised the car on 3/16/50; I delivered the automobile to them on 4/19/50.

Q. 3/16/50 to 4/19/50? That's about a month?

A. Correct. I cannot tell you how many times, exactly how many times they came in during the time his car was not ready for delivery.

Mr. Soares: May I have that?

(The reporter read the last answer.)

The Court: I was wondering when payment was made, before delivery, before these times?

The Witness: On the date of delivery.

Q. (By Mr. Richardson): That would be 4/19.

A. 4/19.

Q. That is the date you received the checks from the [256] Liis?

A. I received the checks—yes.

Mr. Soares: I object to that as a misstatement of the evidence.

The Court: That is true.

Mr. Soares: In addition to the other grounds.

(Testimony of Antone Tony Rapoza.)

The Court: That is true, unless you refer to these traveler's money orders as checks.

Mr. Soares: It wasn't traveler's orders; it was cashier's checks.

The Court: Cashier's checks.

Mr. Soares: The testimony specifically was that it came from Alice Lii and not from the Liis.

Mr. Richardson: I concede that.

The Court: Well, did you see the check?

The Witness: Did I see the check?

The Court: Did you examine it?

The Witness: Yes, sir, I did. I received the money and turned it over to the cashier.

The Court: Well, I suppose you would, but you yourself saw the check, the cashier's check?

The Witness: I went to the bank with Alice, and also received the check.

The Court: And went to the bank with her? What for? To cash the check? [257]

The Witness: Well, she wasn't familiar with the cashier's check and didn't know how to make out one, so I assisted in helping her have one made. We solved the problem of handling loose cash.

The Court: Well, how did she get a cashier's check?

The Witness: From the bank.

The Court: Well, what did she do to get it?

The Witness: All you have to do is present your bank book and say you want to subtract \$1927.

The Court: Is that what she did?

The Witness: That's right, sir.

(Testimony of Antone Tony Rapoza.)

The Court: Well, can't you tell it?

The Witness: That's just what I am saying, sir.

The Court: What bank?

The Witness: Bank of Hawaii.

The Court: All right.

Q. (By Mr. Richardson): That was on the date the car was delivered? A. That is correct.

Mr. Richardson: If your Honor please, I wish to offer the sales memorandum in evidence. (Handing sheet of paper to Mr. Soares.) It has been identified by this witness.

Mr. Soares: We object to it as incompetent, irrelevant and immaterial and not tending to prove or disprove any of the issues in this case, and not proper rebuttal. [258]

The Court: Well, I will have to see it before I can pass on that. (Paper handed to the Court.) It may be received in evidence.

The Clerk: Plaintiff's Exhibit "C."

(The document referred to was received in evidence as Plaintiff's Exhibit "C.")

Mr. Richardson: That's all.

Mr. Soares: No questions. I move that the testimony of this witness be stricken as being wholly incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not rebuttal.

The Court: Overruled.

(Witness excused.)

Mr. Richardson: Call Mr. Ogata.

HARLOW T. OGATA

a rebuttal witness on behalf of the Plaintiff, being
duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you state your full name, please, sir?

A. Harlow T. Ogata.

Q. For whom do you work, Mr. Ogata?

A. Beg pardon?

Q. For whom do you work?

A. Universal Motor Company. [259]

Q. And how long have you been with them?

A. Over two years. It's almost three years now.

Q. Do you know Miner Lii and his wife Alice
Lii? A. Yes.

Q. Do you see them in the courtroom?

A. Yes.

Q. Can you identify them?

A. In the black shirt and the one next to him.

Q. Now, Mr. Ogata, in April of 1949, did you
have any dealings with the Liis with reference to
the purchase of a 1949 Lincoln Cosmopolitan?

A. Yes, sir.

Mr. Soares: We object to the question as incompetent, irrelevant and immaterial and not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

(Testimony of Harlow T. Ogata.)

Q. (By Mr. Richardson): Did you handle that deal yourself, Mr. Ogata?

A. That's right, sir.

Q. Now, whom did you deal with, Mr. Lii or Mrs. Lii, or both?

A. Both.

Mr. Soares: Objected to as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not proper rebuttal. [260]

The Court: Overruled.

Q. (By Mr. Richardson): Mr. Ogata, I hand you a paper marked "Car Invoice" and ask you if you can identify that? (Handing a sheet of paper to the witness.)

A. Yes.

Mr. Soares: I object to it as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): I further hand you, Mr. Ogata, a customer's order number and ask you if you can identify that? (Handing a sheet of paper to the witness.)

A. Yes, that's right.

Mr. Soares: I object to it as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): Now, did those papers cover the transaction that you had with the Liis?

A. That's right, sir.

(Testimony of Harlow T. Ogata.)

Mr. Soares: I object to it as being incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal, and it is leading and suggestive and the papers are the best evidence.

The Court: Overruled. [261]

Mr. Soares: Exception.

Q. (By Mr. Richardson): From those papers and from your knowledge of the transaction, Mr. Ogata, just tell the Court just what happened?

Mr. Soares: We object to it as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not proper rebuttal, and calling for hearsay.

The Court: Overruled.

Q. (By Mr. Richardson): That is, the details of the sale.

Mr. Soares: Same objection.

A. Well, they came to see me like any other customer.

Q. (By Mr. Richardson): Speak out loud so the jury can hear you.

A. They came to see me like any other customer comes in the place and they look at the car first and then we go——

Mr. Soares: We object to his telling what other customers do, if the Court please, in addition to the objection to the testimony generally as it relates to these defendants.

A. Well, Mr. Miner Lii told me to give him all the figures on a Lincoln, what models we had and

(Testimony of Harlow T. Ogata.)

everything. I showed him everything. And I appraised his Buick, the '47 Buick that he had at that time. We gave him a certain figure for that which was agreeable to him, and we made the [262] transaction.

Q. (By Mr. Richardson): You spoke of a '47 Buick. What part does that play in that transaction?

A. The '47 Buick was turned in as a trade-in.

Q. He traded that in on the Lincoln?

A. That's right.

Mr. Soares: Object to that as leading and suggestive and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): Now, what amounts of money were involved? How was the trade handled?

Mr. Soares: Object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

The Witness: Shall I give you the figures?

Mr. Richardson: Yes, sir.

A. The total amount for that Lincoln Cosmopolitant sedan, \$4,430. We gave him \$1,773 as a trade-in for his '47 Buick.

Q. What balance did that leave?

A. Left a balance of \$2,627.30.

Q. How was that paid, Mr. Ogata?

Mr. Soares: Object to that as incompetent, irrele-

(Testimony of Harlow T. Ogata.)

vant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal. [263]

The Court: Overruled.

A. The balance was paid in six payments. Shall I give you all the figures?

Q. Yes, if you will.

A. On April 29, 1949, he paid \$400 in cash; May 2, 1949, \$208.65; May 3, 1949, \$50.

Mr. Soares: What was that last date?

The Witness: May 3, 1949.

Mr. Soares: How much?

The Witness: Fifty dollars.

A. (Continuing): May 4, 1949, \$50; May 10, 1949, \$100; May 11, 1949, \$100. That made the balance of \$2,627.30 paid up in cash.

Q. (By Mr. Richardson): Mr. Ogata, can you identify these papers that I have handed you as papers used in the regular course of your business in which you made this transaction with the Liis?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: I didn't get that question.

(The reporter read the last question.)

Mr. Richardson: If he could identify these papers as the papers used in the regular course of business in his company which covered this particular transaction with the Liis. [264]

The Court: Overruled.

(Testimony of Harlow T. Ogata.)

A. Yes, sir.

Q. Your answer is Yes? A. Yes.

Mr. Richardson: Thank you. If your Honor please, I wish to offer in evidence the paper shown as "Car Invoice" and one as "Customer's Order Number." (Handing documents to Mr. Soares.)

Mr. Soares: I'd like to cross-examine the witness as to his testimony that this so-called customer's order number was a record kept in the regular course of business.

The Court: Very well. I missed the amount of cash that was paid in at the time of the trade-in.

Q. (By Mr. Richardson): Was any cash paid in at the time of the trade-in?

A. I can't answer that because I don't know if he paid any cash besides his car that day. I am not so sure. There is a certain required amount for down payment, and his car that we gave him as a trade-in.

The Court: Well, down payment, that's what I am talking about, at the time that the Buick was turned in. Was there any down payment made at that time?

Mr. Richardson: Other than the car. Is that what your Honor had in mind?

The Court: Yes. [265]

The Witness: That's a thing I am not so sure. I will have to check with the office.

The Court: Well, how are you sure, then, about these other figures, April 25th, \$400, and so on?

The Witness: That's right, sir.

(Testimony of Harlow T. Ogata.)

The Court: How are you sure of that, then?

The Witness: That's the one that was given to me by the office.

The Court: Well, which one are you speaking about, the green one or the white one?

The Witness: Both of them was given to me by the office.

The Court: If you know these figures begin on April 29th, on the same sheet as cash payment received on April 21st of \$1718.65—you don't know anything about that, do you? Did you say you did or didn't?

The Witness: This is the amount of the trade-in we allowed him on the car.

Mr. Richardson: Was that the amount of the Buick that he traded in, that seventeen hundred dollars?

The Witness: That's right, sir.

The Court: Well, I understand there was a Buick that was traded in that had a certain value, and was there any substantial cash payment made at that time?

The Witness: Maybe he made. That's the thing I'm not sure. [266]

The Court: Don't maybe.

The Witness: I'm not sure.

The Court: How do you know some of the figures on these statements without knowing all of them? Take that statement and read it. You just testified from it.

Mr. Richardson: Can you tell from those records

(Testimony of Harlow T. Ogata.)

if any cash payment was made in addition to the Buick at the time of the delivery of the car? Would that be your Honor's question?

Mr. Soares: Objected to as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and calling for hearsay. The records are the best evidence.

The Court: Sustained.

Q. (By Mr. Richardson): Do you know if a cash payment was made at the time of the delivery of the car other than the trade-in on the Buick?

Mr. Soares: I object to the question as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled. He may answer if he knows. That is the question.

A. To tell the truth, I am not quite sure.

Mr. Richardson: If your Honor please, I make no issue of admitting these papers in evidence.

Mr. Soares: I'd like to have them marked for identification, [267] however.

The Court: The papers may be marked for identification.

The Clerk: Defendants' Exhibit "A" for identification.

The Court: At the request of the Defendant.

(The papers referred to were marked "Defendants' Exhibit A for Identification"—A-1 & A-2 for Identification.)

(Testimony of Harlow T. Ogata.)

Cross-Examination

By Mr. Soares:

Q. Now, what is your particular position, Mr. Ogata? A. Beg your pardon, sir?

Q. What is your particular position with the Universal Motors?

The Court: Counsel, you need not waste time on the question of regular course of business. That's been disposed of.

Mr. Soares: Yes, but he has testified with these papers before, if the Court please, as to certain specific payments. I want to show——

The Court: His testimony finally shows that he has no personal knowledge of these payments, other than the trade-in, and that there was a balance due of \$2627.

Mr. Soares: Then I move that the testimony purporting to state what payments were made and the dates of payments be stricken.

The Court: That is stricken.

Mr. Soares: And I further move that all the evidence [268] of the witness be stricken as being wholly incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in the case, and not proper rebuttal.

The Court: That is overruled.

Mr. Richardson: I have no further questions.

Mr. Soares: No further questions.

The Court: All right, you are excused.

(Witness excused.)

Mr. Richardson: Call Lorraine Staunton.

LORRAINE MARJORIE STAUNTON

a rebuttal witness on behalf of the Plaintiff, being
duly sworn, testified as follows:

Direct Examination

By Mr. Richardson:

Q. Will you give your full name, please?

A. Lorraine Marjorie Staunton.

Q. Where do you live, Miss Staunton?

A. Well, at the present at Nanakuli.

Q. How old are you, Miss Staunton?

A. Twenty years old.

Q. Do you know Miner Lii and his wife Alice
Lii? A. Yes, I do.

Q. Do you see them in the courtroom?

A. Yes, I do. [269]

Q. Can you point them out, please?

A. They are both sitting down there.

Mr. Richardson: Let the record show that she
has identified the Defendants.

Q. Now, how long have you known Miner Lii?

A. Well, I have known Miner since I was at the
age of eleven, and I didn't know him too well to talk
to, but I met him again in 1948 down on Bethel
Street.

Q. Is that the first time you have seen him since
you were a young girl? A. Yes.

Q. When was that that you met him?

A. 1948.

Q. And where did you meet?

(Testimony of Lorraine Marjorie Staunton.)

A. On Bethel Street.

Q. And how did you happen to meet him? Just what took place?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal. Nothing was said of 1948 in connection with Miner Lii or anybody else in this case, or nothing upon which an answer to that question could possibly rebut.

The Court: I take it that that is merely an introductory question laying the ground for some other question. [270]

Mr. Richardson: That is entirely true, if your Honor please. I want to show the background.

The Court: Well, go ahead.

Q. In 1948? A. Yes.

Q. Now, just state what happened when you met him?

Mr. Soares: We object to it as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the allegations in this case, not proper rebuttal and too remote for any place——

The Court: Overruled.

Mr. Richardson (To the witness): Go ahead.

A. Well, in 1948 I met him down at Bethel Street and he asked me to go for a ride with him.

Q. Speak loud, Miss Staunton, so we can all hear.

A. Well, he asked me to go for a ride with him, which I did. We ended up at Koko Head, and he

(Testimony of Lorraine Marjorie Staunton.)

was talking to me about the subject of prostitution.

Q. Well, what did he say about it?

A. Well, he asked me if I wanted to go into something like that.

Q. Did he say where? A. Yes.

Q. Where? A. At his home. [271]

Q. What did you tell him?

A. Well, I told him that I would go up with him.

Q. Did you go? A. Yes, I did.

Q. Who was there when you got there?

A. His wife.

Q. And how long did you stay?

A. Well, I stayed there for dinner and after that I left.

Q. Was anything else said while you were there about the subject of prostitution? A. Yes.

Q. What was said about it?

Mr. Soares: We object to all this as incompetent, irrelevant and immaterial and not tending to prove or disprove any issue in this case.

The Court: Overruled.

Mr. Richardson: Go ahead.

A. Well, his wife asked me about it.

Q. Well, now, when you say "asking about it," what was said?

A. Well, she asked me about going into prostitution.

Q. Where?

A. At her home, which I refused then.

Q. Now, when did you next see Miner Lii? [272]

(Testimony of Lorraine Marjorie Staunton.)

A. I saw Miner Lii in April of 1950.

Q. And how did you happen to see him?

A. Well, I was on parole from the girls' training school and I got out, see, and between that time I have been contacting his brother by telephone and his wife, and I told them, I told his brother that I would come up.

Mr. Soares: I object to the conversation.

Mr. Richardson: She is telling what she told.

Mr. Soares: It is still immaterial and not proper rebuttal of anything that came out in the case in chief.

The Court: Whatever you wish to draw from the witness, can't you proceed a little more directly?

Mr. Richardson: I beg your Honor's pardon?

The Court: I say, whatever you wish to draw from the witness, can't you proceed a little more directly?

Mr. Richardson: Well, I asked her, if your Honor please, when was the next time she saw him and she is explaining when that was and how it came about.

The Court: All right.

Mr. Richardson: Go ahead.

A. (Continuing): Well, then, I ran away from the place that I was working at. It was up in Keanu Street. Then I went up to my cousin's place up at Alewa Heights. And that evening I went down to Miner Lii's house.

Q. (By Mr. Richardson): Well, now had you

(Testimony of Lorraine Marjorie Staunton.)

been in touch [273] with him before you went?

A. Yes.

Mr. Soares: We object to that as leading and suggestive and incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: That is leading but she answered it.

Mr. Soares: Well, she answered it before I had a chance to make the objection. I move the answer be stricken so the objection might be considered.

Mr. Richardson: I will rephrase the question.

Mr. Soares: Is the answer stricken, then?

The Court: Yes.

Q. (By Mr. Richardson): State whether or not you had been in contact with Miner Lii before you went there? A. Yes.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal, and it is leading and suggestive.

The Court: Overruled.

Mr. Richardson: Go ahead.

A. Well, after that I went up there anyhow. But in the meantime I got in contact with them. I said that I was coming up. [274]

Q. (By Mr. Richardson): How did you get in contact with them? A. By telephone.

Q. All right. Just tell what happened?

A. Well, I went up there and then they had another girl there.

Q. Who did you see when you got there?

(Testimony of Lorraine Marjorie Staunton.)

A. It was Miner and his wife.

Q. You say there was another girl there?

A. Yes.

Q. Did you talk to Miner and his wife?

A. Yes, I did.

Q. What about? A. Well, I told them——

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): What about?

A. Well, I told them that I had ran away. So they told me that I could stay there.

Q. That you could stay there?

A. Yes. And then again they brought up the subject of prostitution, since I was down and out that they would advise me to do that. [275]

Q. What did you tell them?

A. I said, all right. But there are a lot of promises made.

Q. What sort of promises?

Mr. Soares: I object to all this as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Well, you had better find out who the promises were made by.

Q. (By Mr. Richardson): Who made you any promises, Miss Staunton? A. Miner Lii.

The Court: Overruled.

(Testimony of Lorraine Marjorie Staunton.)

Q. Did Alice make you any?

A. Well, I don't remember that part.

Q. Well, what was the nature of the promises?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

A. Well, they said that I could own a car or other things.

Q. (By Mr. Richardson): Did they ask you to go into prostitution there?

A. Yes, they did. [276]

Mr. Soares: I object to that as leading and suggestive, and it is incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Mr. Richardson: You may answer that.

A. Yes, they did.

Q. Well, did you do so? A. Yes, I did.

Q. When did you start?

A. On the same day that I got there.

Mr Soares: I object on the same grounds heretofore made

The Court: Your objection is noted. Overruled.

Q. (By Mr. Richardson): When did you start?

A. On the same day that I arrived there.

Q. Did you say that was in April, 1950?

A. Yes.

(Testimony of Lorraine Marjorie Staunton.)

Q. Now, Miss Staunton, how long did you stay there that day?

A. I just stayed there and I went home that evening.

Q. What time that evening?

A. I don't remember.

Q. Who took you home?

A. Miner Lii. [277]

Q. During the course of that evening there how many customers did you have?

Mr. Soares: I object to this as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Mr. Richardson: You may answer.

A. Well, he took me home that evening. There were about—I don't exactly remember. It's about two or three.

Q. What was the financial arrangement that you made with the Liis, if any?

Mr. Soares: We object to this as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, not proper rebuttal, and it is leading and suggestive.

The Court: Overruled.

A. Well, he had told me that he had charged men ten dollars, but when I asked the men there their answer was twelve dollars.

Mr. Soares: We object to this as being hearsay.

Q. (By Mr. Richardson): Don't tell what some-

(Testimony of Lorraine Marjorie Staunton.)

one else told you. What did Miner tell you? You can testify to that.

Mr. Soares: Same objection.

The Witness: Will you repeat that again?

Q. (By Mr. Richardson): What was the financial arrangement [278] that you had with Mr. and Mrs. Lii? A. It was ten dollars.

Q. And who collected the money?

Mr. Soares: Objected to as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

A. Mr. and Mrs. Lii.

Q. (By Mr. Richardson): Did you ever collect any money from the customers there?

A. Yes, I did.

Mr. Soares: We'd like an opportunity to object, if the Court please.

The Court: Overruled.

Mr. Soares: Same objection.

Q. (By Mr. Richardson): How much of the amount charged were you to get?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal, and it is leading and suggestive, and it is assuming something not in evidence.

The Court: Overruled.

A. About four dollars.

Q. In other words, you were to receive——

(Testimony of Lorraine Marjorie Staunton.)

A. Three or four. [279]

Q. Beg your pardon? A. Three to four.

Q. All right, then. You stated Miner Lii took you home that night? A. Yes.

Q. Did you receive any money from Miner Lii on the way home? A. Yes, I did.

Q. How much was that? A. Five dollars.

Q. Now, when did you next see Miner Lii?

Mr. Soares: I object——

A. The second night.

Mr. Soares: ——to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal. It is assuming something not in evidence.

The Court: Overruled.

A. On the second night.

Q. (By Mr. Richardson): Is that the following night, now, from the time that you have been just speaking of? A. Yes.

Q. What time did you go there that night?

A. Well, I went there that night——

Mr. Soares: I object to that as incompetent, irrelevant [280] and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

A. I went there the next night at five o'clock.

Q. How long did you stay there that time?

A. The whole night.

Mr. Soares: Objected to as incompetent, irrelevant and immaterial, not tending to prove or dis-

(Testimony of Lorraine Marjorie Staunton.)

prove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): What was the answer?

A. I stayed there the whole night. That is, on the second night.

Q. Was Miner Lii and his wife both there that night? A. Yes.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial and not rebuttal.

The Court: Overruled.

Q. How many customers did you have that night?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not rebuttal.

The Court: Overruled.

A. Two.

Q. And did the customers pay you the [281] money?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not rebuttal; it is leading and suggestive.

Mr. Richardson: I am not through with the question.

Mr. Soares: And showing something not in evidence. I have to be quick because the witness answers——

The Court: Overruled.

A. There were two.

(Testimony of Lorraine Marjorie Staunton.)

Q. (By Mr. Richardson): Well, my question is, was the money paid directly to you or was it paid to someone else there?

A. To someone else.

Mr. Soares: Same objection.

Q. (By Mr. Richardson): Who?

A. Miner Lii.

Mr. Soares: Same objection.

The Court: Overruled.

Q. And when did you receive your share of that money?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, not proper rebuttal, and it is leading and suggestive and assuming something not in evidence.

The Court: Overruled.

Q. The question was, when did you receive it?

A. The latter part of the evening.

Q. Beg your pardon? [282]

A. It was about 12:30, 1:00 o'clock.

Q. And who gave you that money?

A. Miner Lii.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

Q. (By Mr. Richardson): How long did you stay there? A. Three days.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or

(Testimony of Lorraine Marjorie Staunton.)

disprove any issue in this case, and not proper rebuttal.

The Court: Overruled.

Q. How long did you stay there?

A. Three days.

Q. And was there another girl there while you were there? A. Yes, there was.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal and leading and suggestive.

The Court: Overruled.

Q. What was her name?

A. She went under the name as Barbara Jean Roger, but her real name is Barbara Andrade.

Q. You stayed there three days?

A. Yes. [283]

Q. I want to ask you about the arrangements up there. Did you work right in the house?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and not proper rebuttal and leading and suggestive.

The Court: I wish you would make make your questions a little more specific. If you are inquiring whether she did housework or whether she did prostitution, why, that is very important, a very important part of the question.

Mr. Richardson: I should have used the word "work" in that sense.

Q. Did you work as a prostitute in the house?

(Testimony of Lorraine Marjorie Staunton.)

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, not proper rebuttal and leading and suggestive.

The Court: Overruled.

Q. Will you tell the Court and jury what the arrangement was there about where you worked as a prostitute?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

Q. Will you tell about the arrangements up there about where you did work as a prostitute? [284]

Mr. Soares: Same objection.

A. Well, it was outside of the house.

Q. (By Mr. Richardson): Do they have a garage outside of the house? A. They have.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, not proper rebuttal, and already asked and answered, and it is leading and suggestive.

The Court: Overruled.

A. Yes, they have.

Q. (By Mr. Richardson): Was that where you were working as a prostitute? A. Yes.

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, not tending to prove or

(Testimony of Lorraine Marjorie Staunton.)

disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

Q. (By Mr. Richardson): Now, Miss Staunton, when did you leave up there?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal.

A. I left one morning, the fourth morning. It was on the third morning. I left there with Barbara Andrade. We [285] both left.

Q. (By Mr. Richardson): Both left at the same time? A. Yes, we did.

Q. Did the Liis know that you were leaving?

A. No.

Mr. Soares: I object to the answer as not being competent, as irrelevant and immaterial, not tending to prove or disprove any issue in this case, and not proper rebuttal, and calling for a conclusion of the witness.

The Court: Overruled.

Q. (By Mr. Richardson): Miss Staunton, were there any other girls working as prostitutes there in the house at the time you were there?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal, and it is leading and suggestive and asking for the conclusion of the witness.

(Testimony of Lorraine Marjorie Staunton.)

The Court: If she knows of her own knowledge, she may answer.

Mr. Richardson: Do you know, Miss Staunton?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

A. Yes, but I have never seen them. [286]

Mr. Soares: I move that the answer be stricken. She couldn't possibly have known for she didn't see them.

The Court: Well, the answer may be stricken.

Q. (By Mr. Richardson): How much money did you personally make up there as a prostitute during the time that you were there?

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, already asked and answered, and not proper rebuttal.

The Court: The question is not sufficiently clear.

Mr. Richardson: If your Honor please, how much she made during the time she was there working as a prostitute?

The Court: I can't tell whether the witness will understand from that. I don't understand how much she made—how much did she get for her own money or how much was paid for her services?

Mr. Richardson: Well, let me put it this way:

Q. I will ask you, how much did you receive while you were there?

Mr. Soares: I object to that as incompetent, ir-

(Testimony of Lorraine Marjorie Staunton.)

relevant and immaterial, not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: Overruled.

A. I don't remember exactly because some of the money was taken out by Miner Lii to pay for house rent. [287]

Q. House rent? A. Yes.

Q. Now, Miss Staunton, had you ever worked as a prostitute before the time you went to Miner Lii's house? A. No.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in this case——

The Court: Your answer was No.

The Witness: No.

The Court: Overruled.

Q. (By Mr. Richardson): Miss Staunton, you stated, I think, that you were a parolee from the girls' training school? A. Yes, I was.

Mr. Soares: I object to that as incompetent, irrelevant and immaterial——

The Court: I didn't get that.

Mr. Soares: ——and not tending to prove or disprove any of the issues in this case, and not proper rebuttal.

The Court: I didn't get that.

Mr. Richardson: My question was—she stated previously that she was a parolee from the girls' training school.

The Court: Well, what was the question?

(Testimony of Lorraine Marjorie Staunton.)

Mr. Richardson: I wanted to ask her why she was confined to the girls' training school. [288]

Mr. Soares: I object to that as incompetent, irrelevant and immaterial——

The Court: Sustained.

Mr. Richardson: That's all.

Cross-Examination

By Mr. Soares:

Q. You said you never worked as a prostitute before you went to Miner Lii's? A. No.

Q. You had had rather promiscuous sexual intercourse with a large number of boys before that time, had you not?

Mr. Richardson: I object to that, if your Honor please. It is going into something that is not material here. She stated she is not a prostitute. That is the question. It is not what her private life had been.

The Court: Overruled, the objection is overruled.

Mr. Soares: Will you answer the question, please? A. No.

Mr. Soares: What's that?

The Court: Do you know what "promiscuous" means?

The Witness: I don't exactly remember.

Q. (By Mr. Soares): Well, you had sexual intercourse with at least several boys before you were sent to the industrial school, hadn't you?

A. Yes. [289]

Q. What's that? A. Yes.

(Testimony of Lorraine Marjorie Staunton.)

Q. About how many?

A. I don't remember.

Q. Well, can you give us some idea?

The Court: Well, if she doesn't remember that's enough, that's sufficient. She said that she had several. She answered that question.

Mr. Soares: I'd like to ask her about how much.

The Court: Well, you asked her if she didn't have several and she said Yes. That's enough. I don't care to have that followed any more.

Mr. Soares: The Court precludes me from cross-examining her further on the number of sex relations she had?

The Court: Yes, it isn't material. She admits several.

Mr. Soares: I will abide by the Court's ruling.

Q. You have a brother on the police force in the City and County of Honolulu, do you not?

A. Yes, I have.

Mr. Soares: That's all. No further questions.

Mr. Richardson: That's all.

(Witness excused.)

The Court: Are those all your witnesses?

Mr. Richardson: Yes, that's the Government's case.

Mr. Soares: I move that the evidence of this witness be [290] stricken, if the Court please, as incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case.

The Court: Overruled.

Mr. Soares: And not proper rebuttal.

The Court: Overruled.

Mr. Soares: May I have just a moment, if the Court please?

The Court: Yes.

Mr. Soares: Take the stand, Mrs. Lii.

ALICE LII

a witness for the Defendants on surrebuttal, having previously been sworn, resumed and testified as follows:

Direct Examination

By Mr. Soares:

Q. Your name is Alice Lii? A. Yes.

Q. You are one of the Defendants in this case?

A. Yes.

Q. You were previously on the witness stand?

A. Yes.

Q. You heard the testimony, I take it, of the witness who just left the stand? A. I did.

Q. I will ask you whether or not it is true as she has [291] testified that you discussed with her, or your husband discussed with her in your presence, arrangements whereby she was to enter into the profession of prostitution in your home?

A. I never did.

Q. Did you hear her testimony?

A. I did.

Q. Is that true or false?

A. It is not true.

Q. So far as you know, did she ever follow the

(Testimony of Alice Lii.)

profession of prostitution in your home or anywhere else? A. What was that again?

Q. I say, as far as you know, did she ever follow the profession of a prostitute in your home or anywhere else? A. Not that I know of.

Q. Did you have any arrangement with her of any kind? A. No.

Q. Did you ever receive money from her, any money from her, the proceeds of her prostitution?

A. I did not.

Q. Or did you receive the money from anyone else, the proceeds or part of the proceeds of prostitution? A. No.

Q. Did she ever stay at your home? A. No.

Mr. Soares: No further questions. [292]

Cross-Examination

By Mr. Richardson:

Q. How long have you known her, Mrs. Lii?

A. Well, I was introduced to her once.

Q. When was that?

A. I don't remember the date.

Q. How long ago was it?

A. I can't remember the date.

Q. Well, was it one month, six months, two years, just your best idea?

Mr. Soares: I think I should object and come within the ruling of the Court, the same as when I tried to pursue questions after the witness said she

(Testimony of Alice Lii.)

didn't remember in the last instance; it is on the same grounds as the Court announced a ruling on an objection, namely, that it is sufficiently covered, and the statement was made that she didn't remember how many acts of intercourse she had had. So too, here we object.

The Court: This question is, How long did you know her? Isn't that it?

Mr. Soares: She said she didn't remember. So the question, applying the same rule as was applied to the previous witness, is sufficiently covered, it covers that answer.

The Court: Upon reflection, do you now recall about how long? [293]

The Witness: I still can't remember.

The Court: That's the end.

Q. (By Mr. Richardson): Mrs. Lii, you stated here the other day that you remembered the name Lorraine Staunton, did you not?

A. I said that name sounded familiar to me.

Q. But you didn't remember any girl like that? Is that what you stated?

Mr. Soares: We object to that as incompetent, irrelevant and immaterial. It is not proper cross-examination. We didn't bring out anything about her prior testimony, if the Court please. It has already been asked and answered.

Mr. Richardson: She now states that she was introduced to her.

Mr. Soares: All right. How is that material? How is that material to the issues in this case?

(Testimony of Alice Lii.)

The Court: Sustained.

Q. (By Mr. Richardson): Mrs. Lii, you and Miner visited Lorraine when she was in Kaneohe Hospital, didn't you?

Mr. Soares: We object to that. It is incompetent, irrelevant and immaterial, and not tending to prove or disprove any issue in this case, and not proper cross-examination.

The Court: Overruled.

A. I don't remember that.

Q. You don't remember whether you did or didn't visit [294] her in the hospital?

A. I don't remember. I have been to Kaneohe Hospital to visit people but I don't remember visiting her, though.

Q. You don't remember whether you did or not?

A. No, I can't remember that.

Q. Well, if you had visited there, Mrs. Lii, you would have remembered it?

Mr. Soares: We object to that as argumentative and not proper cross-examination.

The Court: Sustained.

Mr. Richardson: That's all.

Mr. Soares: Step down. That's all.

(Witness excused.)

Mr. Soares: Except for the witness Mary Chang, if the Court please, we have no other evidence on sur-rebuttal, and we await the Court's ruling on our motion heretofore made that this matter be continued to a future date. And I suggest the 28th of May in order that we may subpoena—

The Court: The Court already ruled on that.

Mr. Soares: I understood not. Just at the recess I asked your Honor what the ruling was and your Honor said you would announce the ruling upon return.

The Court: I very clearly made a ruling shortly after one——

Mr. Soares: Well, I renew the motion now in view of the [295] testimony given that this cause be continued to a future date, preferably to the 28th of this month, in order that we may procure the attendance of Mary Chang to testify as a witness on sur-rebuttal to contradict the evidence given by Sarah Lee Wright on rebuttal.

The Court: The same ruling and for the same reasons as heretofore stated.

Mr. Soares: Just to make doubly sure, may I have a little exception? I am a little bit careful about exceptions, so I will note them.

The Court: Well, you look at Rule 51 of the Federal Rules of Procedure. All right, now. I assume we are ready for argument. Do you want a brief recess?

Mr. Soares: If the Court please, I am awfully sorry but I would like to go to the door and see if a certain person is there.

The Court: Very well.

(Mr. Soares leaves courtroom for a moment and returns.)

Mr. Soares: Very well, your Honor.

Mr. Richardson: Your Honor, could we have a short recess? I have no further proof.

The Court: You have closed your case?

Mr. Richardson: Yes, sir.

The Court: And Counsel for the Defendants has closed?

Mr. Soares: Yes, under the situation that [296] exists.

The Court: We will take a brief recess, then, and we will be ready for argument.

(A short recess was taken at 2:33 p.m.)

The Court: The jury is all present. You may proceed with the opening argument.

(Mr. Richardson presented the opening argument.)

(Mr. Soares presented the argument for the Defense.)

(Mr. Richardson presented the closing argument.)

The Court: Gentlemen of the Jury, I assume that the jury knows that at the close of a trial Counsel in this jurisdiction are permitted to make requests for instructions for the Court to give. Now, they have done that in this case. Some requests were granted; some were denied. The Court in a Federal jurisdiction has a right to instruct the jury itself upon its own motion or inclination. It seems to me that the instructions that are offered here are sufficient for this case. They, for the most part, cover the well-grounded principles that relate to criminal

law. And as to Counsels' remarks, it does not make any difference whether you agree with them yourself. Whatever instructions you are given by the Court are to be taken by you as the law pertaining to the criminal case. And your own version of the law should not enter into this, if [297] you have any. It is the Court's business to instruct you in the law, and the Court is presumed to know the law.

The first thing I want done is to have the indictment read. Mr. Clerk, will you read the indictment in the case? Give the reference to the United States law there upon which the indictment is based.

The Clerk: That is Title 18 U.S.C., Section 2421.

(The Clerk read the indictment.)

The Court: I instruct you, gentlemen of the jury, that you cannot convict the defendants unless the government has established the truth of each and every material allegation of the indictment to your satisfaction and beyond all reasonable doubt. The material allegations of the indictment are:

1. That Miner Lii and Alice Lii
2. knowingly, wilfully, unlawfully, and feloniously
3. did procure and obtain
4. from the office of Pan-American Airways at 222 Stockton Street, San Francisco, California,
5. a ticket to be used by Sara Wright

6. in going from San Francisco to Honolulu for the purpose of prostitution, debauchery, and other immoral purposes,
7. which said ticket was used by said Sara Wright for the purpose aforesaid.

If the prosecution has failed to prove any one or more of the aforelisted material allegations of the indictment beyond reasonable doubt, you must find the defendants not guilty. [298]

The gist of this offense is the knowingly procuring and obtaining of a ticket to be used by any woman or girl in going to any place for the purpose of prostitution or for any other immoral purpose. If you find from the evidence beyond a reasonable doubt, that the Defendants, Miner Lii and Alice Lii, did knowingly procure and obtain a ticket which Sarah Lee Wright used in coming to Hawaii for the purpose of prostitution then you should convict. However, if you have a reasonable doubt as to the foregoing, then you should acquit.

The indictment in this case, or any other case for that matter, is a mere accusation and is not of itself any evidence, not the slightest, of the defendants' guilt, and no juror should permit himself to be to any extent influenced because or on account of the indictment that was brought against the defendants.

From that it must be clear to you what I mean. The indictment is the first step, is the step to bring the case into court here for a trial before a jury, and in itself it is no evidence or proof of anything. It is merely an allegation, an accusation. What you

deal with is the proof, the facts, the testimony, from the evidence given.

Strictly speaking, the burden of proof, as those words are understood in criminal law, is never upon the accused to establish his innocence or to disprove the facts necessary to establish the crime for which he is indicted. He is not [299] required to put in any evidence at all upon the subject. The burden of proof is on the prosecution from the beginning to the end of the trial and applies to every element necessary to constitute the crime, the crime charged.

The defendants have entered a plea of not guilty to the charges in this case, and such plea puts in issue the allegations contained in the indictment and requires the Government to prove such allegations to your satisfaction beyond all reasonable doubt before a verdict of guilty can be returned against the defendants.

In criminal cases, even when the evidence is so strong that it demonstrates the probability of the guilt of the party accused as set forth in the written charge, still if it fails to establish beyond a reasonable doubt the guilt of the defendant in the manner and form as charged, then it is the duty of the jury to acquit the defendant and bring in a verdict of not guilty. Mere probabilities are not sufficient to warrant a conviction, nor is it sufficient that upon the doctrine of chances, it is more probable that a defendant is guilty.

Under the law no jury should convict a person charged with crime upon mere suspicion, however strong, or simply because there is a preponderance

of all of the evidence in the case against him, or simply because there are strong reasons to suspect him guilty. What the law requires before [300] the defendant can be convicted of crime is not suspicion, not mere probabilities, but proof of his guilt beyond all reasonable doubt.

While the accused at the beginning of the trial is presumed, as a matter of law well-established, to be innocent, and this presumption follows him throughout the entire trial, yet if the proof establishes guilt beyond a reasonable doubt, then the presumption of innocence disappears or is overthrown.

A reasonable doubt may arise from the evidence or it may arise from the lack of evidence. It is such a doubt as would cause you, as reasonable men, to hesitate to act upon it in matters of importance to you. It is difficult to define in exact terms the nature of a reasonable doubt. It may be said to arise from a mental operation and exists in the mind when the judgment is not fully satisfied as to the truth of a criminal charge or the occurrence of a particular essential event, or the existence of a thing. It is a matter that may be determined by the jury, acting under the obligations of their oaths and their sense of right and duty. If, from an examination and consideration of all the facts and circumstances in evidence taken in connection with the charge of the court, you are not satisfied beyond a reasonable doubt that the defendants are guilty as charged in the indictment, you will, of course, return a verdict of acquittal.

As I said before, this matter of reasonable doubt

has been [301] given many definitions by different courts at different times and places. It simmers down to final analysis for the jurymen using their good, honest, common sense about it, whether they have a reasonable doubt based upon reasonable substantial grounds one way or the other.

A defendant in a criminal case need not take the witness stand or offer any evidence in his behalf. Nor can you take into consideration in arriving at your verdict any reason or motive which may have actuated him in not offering a defense in his own behalf. There are several reasons why a defendant might deem it advisable not to offer testimony. For instance, he may be relying for an acquittal upon the requirement that the prosecution must prove his guilt beyond all reasonable doubt, or, he may feel that though innocent of the particular crime charged, giving evidence which would clear him of the offense charged might tend to indicate his guilt of some other offense.

If you cannot reconcile the statements of witnesses on account of contradictions, then you have a right to believe the witness or witnesses you determine most worthy of credit and disbelieve the witness or witnesses whom you believe least worthy of credit. That is within your right. You may believe any witness or witnesses that your judgment dictates are telling the truth or substantial truth which is sufficient for the case, or you may disbelieve any or all of them. In determining [302] whom you will believe, you may consider the nature of the evidence given by them; how far they are corrobora-

rated or contradicted by other testimony; and in weighing the testimony and determining the credibility of the witnesses it is proper for you to take into consideration all the surrounding circumstances, all the surrounding circumstances of the witnesses as brought out in the evidence, and such other facts appearing in the evidence as will, in your opinion, aid you in determining whom you will believe; and you may also, in considering whom you will or will not believe, take into account your experience and relations among men.

You understand that you are the sole judges of the evidence and the weight of the evidence, and you have seen the witnesses and heard them, and it is up to you to consider to the best of your judgment and without any reasonable, well-grounded doubt in your mind as to the guilt or innocence of these people, or either of them.

Now, when you go into the jury room, you will be under the general custody of the Marshal. One of the first things you will do is to select a foreman from your number who will sign whatever verdict or verdicts you arrive at. You know, I think, very well that your verdict must be unanimous. It takes all 12 of you to join in whatever verdict is brought to the Court. I don't know that there is anything more that need be said to you. You have heard all the evidence. I [303] believe that you understand the instructions. Sometimes instructions seem to impress jurymen as being somewhat in conflict one with the other. Upon a strict closer analysis that isn't true. The Court wouldn't give them if

they were in contradiction. You shouldn't center on any particular instruction as being the sole or the principal guide but take them as a whole. These instructions that were given, all of them, practically all were given by request and they are principles of law that pertain to criminal cases. And the matter of your judgment rests in your good sense in construing the evidence, the testimony and other evidence that you have heard in the case.

Mr. Clerk, swear the Marshals. And the jury will pay attention to the oath given to the Marshals because you are asked to cooperate with the Marshals in the fulfillment of their duties.

Marshal Heine: May it please the Court, I'd like to have three of us sworn in due to the fact that we may have to alternate during the night.

The Court: That is agreeable to the Court.

Marshal Heine: Thank you.

(Marshal Heine and Deputies Bruns and Moses were sworn to take charge of the jury.)

The Court: Now, the clerk has forms of verdicts which I have examined and found to be in order. You pass them to [304] the Marshal who will pass them to some member of the jury who will be selected as foreman.

Mr. Soares: May I see them, if the Court please?

The Court: Yes.

(Handed to Mr. Soares.)

Marshal Heine: If the jurors want further instructions, I'd like to have them written. Will you so instruct the jurors, your Honor?

The Court: What's that?

Marshal Heine: Have them write it if they want further instructions.

The Court: Oh, yes. If it should come to a situation where there is any confusion about the instructions given or the jury feel in real need of any further instructions just write a little note and pass it to the Marshal who is directly in attendance. He will bring it to the Court and in that event you have to come back to the Court and state what it is that you want further instruction about, and it will be given. The jury may retire now, and proceed with your deliberations.

(The jury retired at 4:04 p.m.)

(The jury returned with a verdict at 4:55 p.m.)

The Court: Gentlemen, who is your foreman?
Mr. Ford. I am.

The Court: Has the jury arrived at a verdict?

Mr. Ford: We have. [305]

The Court: Please pass it to the clerk. (Handed to the Court.) This is the unanimous verdict of the jury, is it?

Mr. Ford: Yes, sir.

The Court: Mr. Clerk, read the verdict.

The Clerk: Omitting the heading, title and cause—

“We the jury, duly empaneled and sworn in the above-entitled cause, do hereby find the defendant, Miner Lii, Guilty as charged in the indictment herein.

“Dated: Honolulu, T. H., this 23rd day of May, 1951.

“/s/ EARL J. FORD,
“Foreman.”

Omitting heading, title and cause. Verdict—

“We, the jury, duly empaneled and sworn in the above-entitled cause, do hereby find the Defendant, Alice Lii, Guilty as charged in the indictment herein.

“Dated: Honolulu, T. H., this 23rd day of May, 1951.

“/s/ EARL J. FORD,
“Foreman.”

The Court: Upon the finding of the jury, the Court adjudges both defendants to be guilty as charged.

Mr. Soares: The defendants except to the verdict and plead that it is contrary to the law and evidence and give notice of motion for a new trial.

The Court: When will the defendants be ready for sentence?

Mr. Soares: I suggest some time next week, if the Court please. We have to get ready for a trial in this Court tomorrow and trials in the early part of the week in the [306] Territorial courts. I suggest that it stand over at least one week for sentence.

The Court: That will be May 31st at the hour of ten o'clock in the morning. All right. The jury

is excused now until tomorrow morning at 9:30. Be present with the other jurors for the new criminal trial to start at 9:30 tomorrow morning. And we will call this a day. You are excused until that time.

(The Court adjourned at 5:05 p.m.) [307]

Reporter's Certificate

I, Albert Grain, Official Court Reporter, U. S. District Court, Honolulu, T. H., do hereby certify that the foregoing is a true and correct transcript of proceedings reported by me in Criminal No. 10,419, United States of America versus Miner Lii and Alice Lii, held in the above-named Court on May 21, 22 & 23, 1951, before the Hon. Delbert E. Metzger, Judge, and a jury.

June 20, 1951.

/s/ ALBERT GRAIN.

[Endorsed]: Filed July 6, 1951. [308]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

United States of America,
District of Hawaii—ss.

I, Wm. F. Thompson, Jr., Clerk of the United States District Court for the District of Hawaii, do hereby certify that the foregoing record on appeal in the above-entitled cause consists of the fol-

lowing listed original pleadings, exhibits, and transcript of proceedings:

Indictment.

Instructions to the Jury.

Verdict (Miner Lii).

Verdict (Alice Lii).

Judgment and Commitment (Miner Lii).

Judgment and Commitment (Alice Lii).

Notice of Appeal.

Order Admitting to Bail Pending Appeal to the Ninth Circuit Court of Appeals.

Bond (Miner Lii).

Bond (Alice Lii).

Designation of Record on Appeal.

Stipulation.

Counter-Designation of Record on Appeal.

Transcript of Proceedings commencing on May 21, 1951, and ending on May 23, 1951.

Plaintiff's Exhibits "A-1," "A-2," "B," and "C."

I further certify that included in said record on appeal is a copy of the Minutes of Court of May 21, 22, 23, and 31, 1951.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this 7th day of July, A.D. 1951.

[Seal] /s/ WM. F. THOMPSON, JR.,

Clerk, United States District
Court, District of Hawaii.

[Endorsed]: No. 13005. United States Court of Appeals for the Ninth Circuit. Miner Lii and Alice Lii, Appellants, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court for the District of Hawaii.

Filed July 9, 1951.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for
the Ninth Circuit.

In the United States Court of Appeals for the
Ninth Circuit

No. 13005

MINER LII and ALICE LII,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

STATEMENT OF POINTS TO BE RELIED
UPON BY DEFENDANTS-APPELLANTS
ON APPEAL

Come now Miner Lii and Alice Lii, Defendants-Appellants in the above-entitled cause, by O. P. Soares, their attorney, and in conformance with Rule 9 (6) of the Rules of Practice of the United States Court of Appeals for the Ninth Circuit and hereby state that it is intended that defendants-appellants will rely upon the following points, to wit:

1. That the United States District Court for the District of Hawaii erred in ordering that the defendants be taken into the custody of the United States Marshal in the presence of the jury summoned to try the above-entitled cause.

2. That the United States District Court for the District of Hawaii erred in permitting evidence of the actions of the prosecutrix and of the defendants after their arrival in Honolulu subsequent to the

commission of the crime alleged in the indictment, the commission of said crime having been completed in San Francisco and before their arrival in Honolulu.

3. That the United States District Court for the District of Hawaii erred in permitting, over objection, leading questions to the prejudice of defendants-appellants' right to a fair and impartial trial.

4. That the United States District Court for the District of Hawaii erred in permitting, over objection, questions and answers which were wholly immaterial to the issues and could serve no purpose other than to prejudice defendants-appellants' right to a fair and impartial trial.

5. That the United States District Court for the District of Hawaii erred in permitting the prosecutrix to remain in the Court, although the jury was excluded, defendants-appellants made an offer of proof to be elicited on cross-examination of the prosecutrix.

6. That the United States District Court for the District of Hawaii erred in unduly limiting the scope and extent of the cross-examination of the prosecutrix and in unfairly and unfavorably and prejudicially characterizing the cross-examination.

7. That the United States District Court for the District of Hawaii erred in refusing to permit defendants-appellants on cross-examination of a government witness to fully inquire into the character and criminal activities of said witness.

